



## **AGENDA**

**Planning Commission Regular Meeting**

**Tuesday, October 26, 2021 at 6:00 pm**

Evans Community Complex, City Council Chambers, 1100 37<sup>th</sup> Street

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### **PLANNING COMMISSION REGULAR MEETING**

**1. CALL TO ORDER:**

**2. ROLL CALL:**

Chairman:	Lyle Achziger
Vice-Chairman:	Kalen Myers
Commissioners:	Billy Castillo
	Mark LeClere
	David Woolman

**3. APPROVAL OF THE MINUTES: 09/28/2021**

**\*\*Motion/Vote:**

**4. PUBLIC HEARING:**

**\*\*Consideration of Sketch Plan for Wildhorse II, Resolution PC-2021 001**

**5. INFORMATION/DISCUSS:**

**6. MOTION TO ADJOURN:**

**\*\*Motion/Vote:**



## AGENDA

### Planning Commission

**Tuesday, September 28, 2021, at 6:00 pm**

Evans Community Complex, City Council Chambers, 1100 37<sup>th</sup> Street

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### PLANNING COMMISSION WORKSESSION

1. **CALL TO ORDER: 06:00 pm**

2. **ROLL CALL: 06:00 pm**

Chairman: Lyle Achziger-not present  
Vice-Chairman: Kalen Myers-present  
Commissioners: Billy Castillo-present  
Mark LeClere-present  
David Woolman-present

**Planning Month Proclamation - (attached Page 4) 6:01 pm**

Anne Best Johnson, Community Development Director, read aloud a Proclamation issued by City Council declaring October 2021 as National Planning Month in the City of Evans. Johnson thanked members of the Planning Commission on behalf of City staff.

3. **APPROVAL OF THE MINUTES: 08/24/2021 6:06 pm**

**\*\*Motion/Vote: Motion by Commissioner LeClere, second by Commissioner Woolman, all voted in favor, motion carried.**

4. **WORK SESSION: 6:07 pm**

**A. EVANS MASTER PLAN**

Anne Best Johnson presented the following chapters of the Master Plan via ppt:

**Regional Coordination, Natural Resources & Agriculture, Utilities & Facilities**

Johnson and Commissioners reviewed the principals and strategies of each chapter and discussed the following:

**I. Regional Coordination**

- Commissioner Myers asked if the MEG (Milliken, Evans, Greeley) agreement had been started? Johnson - Yes with Greeley, and will be reaching out to Milliken soon.
- Commissioner LeClere asked if residents of an area have any input when setting up new utilities? Specifically, sewer/gas in the corridor where new residential going in by wastewater plant? Commissioner Myers responded only so much can be done to mitigate the wastewater smell. Johnson offered to put Commissioner LeClere in contact with the Wastewater Superintendent.
- Commissioner Woolman asked if there is any specific industrial development that Evans is leaning towards. Johnson responded that the code allows for lots of different types of industrial development.
- Commissioner LeClere stated that the population is about 23,000 in Evans and asked what population growth we are estimating? Johnson responded that the max density is projected at 46,000 in 2050 if we develop at a certain rate. That is projected at compounded growth rate of 3.0 % with 2.9 people per dwelling unit consistent with the State Demographer.



- Commissioner Myers asked if the Regional Coordination chapter was required? Johnson responded that she doesn't think it was, but intergovernmental cooperation is encouraged.

## **II. Natural Resources/Agriculture**

- Commissioners reviewed the UGA Map and data obtained from CPW (Colorado Parks and Wildlife). Johnson and Commissioners discussed the expanding floodplain and floodway.
- Commissioner Woolman pointed out that the white-tailed deer range is not to be confused with the floodplain. Johnson confirmed, the map is detailing that.
- Johnson – Colorado Parks and Wildlife has reviewed the flyover footage over the South Platte and is very interested in protecting the area as it is one of the last sections of South Platte that has not been highly developed in a metropolitan area.
- Commissioner Woolman asked if gravel mining could be stopped with financial incentives.

## **III. Facilities and Utilities 6:47pm**

- Johnson discussed the importance of the City being open to new, fresh ideas regarding new business opportunities.
- Commissioner Myers and Johnson discussed the property overlap with Milliken.
- Commissioner Myers commented that Evans is a leader in non-potable water.

## **IV. Future Land Use Map**

- Commissioner Woolman- Future land use map. How was the section space east of Milliken (where Hwy. 60 turns North) proposed as open space? Johnson stated through overlay system, where utilities can serve floodplains and the floodway.
- Commissioner Myers asked if Weld County is required to follow our land use map? Johnson stated they are not, but we have a cooperative planning agreement with Weld County. The map is our vision, and they should recognize our map.
- Commissioner Myers – comment. In our old mapping, commercial was designated at Highway 34 near the river and that has been changed. Johnson responded that the new floodway designation is limiting future land use activity.
- Commissioner Woolman asked if there are any structures or uses in this floodplain that may not have been approved prior to 2013? Commissioner Myers answered yes. Commissioner Woolman asked when would something like that be reviewed? Johnson responded – FEMA, Weld County, and Evans would notify customers. Commissioner Myers- would they be grandfathered? Johnson responded yes; it would be seen as legal non-conforming property.
- Commissioner LeClere asked about the section that is mixed-use. What does that mean in that area? Johnson responded that it is an area of existing residential and industrial. The future use in this area may develop as a mix of both uses.

## **5. INFORMATION/DISCUSS: 7:24 pm**

Johnson - Utilities & Facilities, Future Land Use Map will go to City Council on Oct. 19<sup>th</sup>. The other two sections have already gone to Council. Wrap up reviews will be 12/7/21 and 1/4/22.

## **6. MOTION TO ADJOURN: 7:32 pm \*\*Motion/Vote: Motion by Castillo, second by Commissioner Woolman**

## PROCLAMATION

### Declaring and Recognizing October, 2021 as National Planning Month in the City of Evans, Colorado

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning, Planning Commissioners, the Master Plan Steering Committee, and the City's staff planners can help manage this change in a way that provides better choices for how people work, live, and play live; and

**WHEREAS**, community planning provides an opportunity for all residents to be equally involved in making choices that determine the shared-vision of their neighborhoods; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our neighborhoods and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the City's Planning Commissions, citizen planners, and contributions made by professional community and regional planners who have contributed their time and expertise to the improvement of the City of Evans and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE, I**, Brian Rudy, Mayor of the City of Evans, do hereby proclaim October, 2021 as Community Planning Month in the City of Evans in conjunction with the celebration of National Community Planning Month.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the official seal of the City of Evans, Colorado, this 21<sup>st</sup> day of September, 2021.

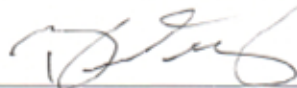
ATTEST:

  
Julie Kamka, City Clerk



CITY OF EVANS, COLORADO

By

  
Brian Rudy, Mayor



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. PC-2021-001**

**A RESOLUTION APPROVING A SKETCH PLAN REQUEST FOR A MULTI-FAMILY DEVELOPMENT IN THE RESIDENTIAL R-3 AND PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICTS FOR PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF 37TH STREET AND 47TH AVENUE, AS PART OF THE TUSCANY SUBDIVISION, FOURTH AND SECOND FILINGS.**

**WHEREAS,** The City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of the City of Evans, Colorado; and

**WHEREAS,** the Evans City Council has given authority to the Evans Planning Commission to review Sketch Plan applications for compliance with the Land Use Code of the Municipal Code; and

**WHEREAS,** David Janssen and Gary Nordic and DAKA Properties LLC, (“the Owner”) is the owner of certain property located at Lots 1-12 Tuscany Subdivision Second Filing ; and

**WHEREAS,** Wildhorse Lot 2, LLC, (“the Owner”) is the owner of certain property located at Lot 2 Tuscany Subdivision Fourth Filing; and

**WHEREAS,** Property is currently zoned R-3, Multifamily Residential and PUD; and

**WHEREAS,** The Owners have requested using the property for Multifamily and Open Space to develop Phase II of the Wildhorse at Tuscany proposed development; and

**WHEREAS,** the Owner of Lot 2 Tuscany Subdivision Fourth Filing has submitted an application to the City seeking a Sketch Plan approval to allow for the conceptual plan to allow for the proposed multifamily development; and

**WHEREAS,** staff has reviewed the application and deemed it to satisfy all requirements for the Sketch Plan under the Evans City Code, including but not limited to Sections 18.07.070.D; and

**WHEREAS,** the City has notified surrounding landowners within 500 feet concerning the Application and Public Hearing; and

**WHEREAS**, the following proper notice was considered by the Evans Planning Commission at the public hearing on October 26, 2021 during which the Commission considered the application, the comments of City staff, public comments in support of the application, if any, and public comments in opposition to the application, if any; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. All of the following criteria must be determined to be true in order to approve a Sketch Plan request in accordance with the applicable standards found in Section 18.07.070.D of the Evans Municipal Code:
  - a. Criteria 1. The proposed Sketch Plan is consistent with the goals and policies of the City of Evans Comprehensive Plan
  - b. Criteria 2. The proposed Sketch Plan complies with this Chapter and all other applicable engineering and design regulations and standards.
  - c. Criteria 3. The applicant has demonstrated that all public notice requirements have been met.

AND

- d. The Sketch Plan shall be subject to the Development Standards and Conditions of Approval contained in the Staff Report dated October 19, 2021, and attached herein.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF EVANS ON THIS 26<sup>th</sup> DAY OF OCTOBER, 2021.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Leslie Power, Administrative Specialist,  
Public Works

BY: \_\_\_\_\_  
Kalen Myers, Planning Commission  
Vice Chair

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# PRELIMINARY PLANNING COMMISSION AGENDA REPORT

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**DATE:** October 20, 2021

**SUBJECT:** Consideration of 21-SKETCH-01, Approving a Sketch Plan for Phase 2 of the multi-family project located at the northeast corner of 37<sup>th</sup> Street and 47<sup>th</sup> Avenue, in the R-3 and PUD Zone Districts.

**PRESENTED BY:** Katelyn Puga, City Planner

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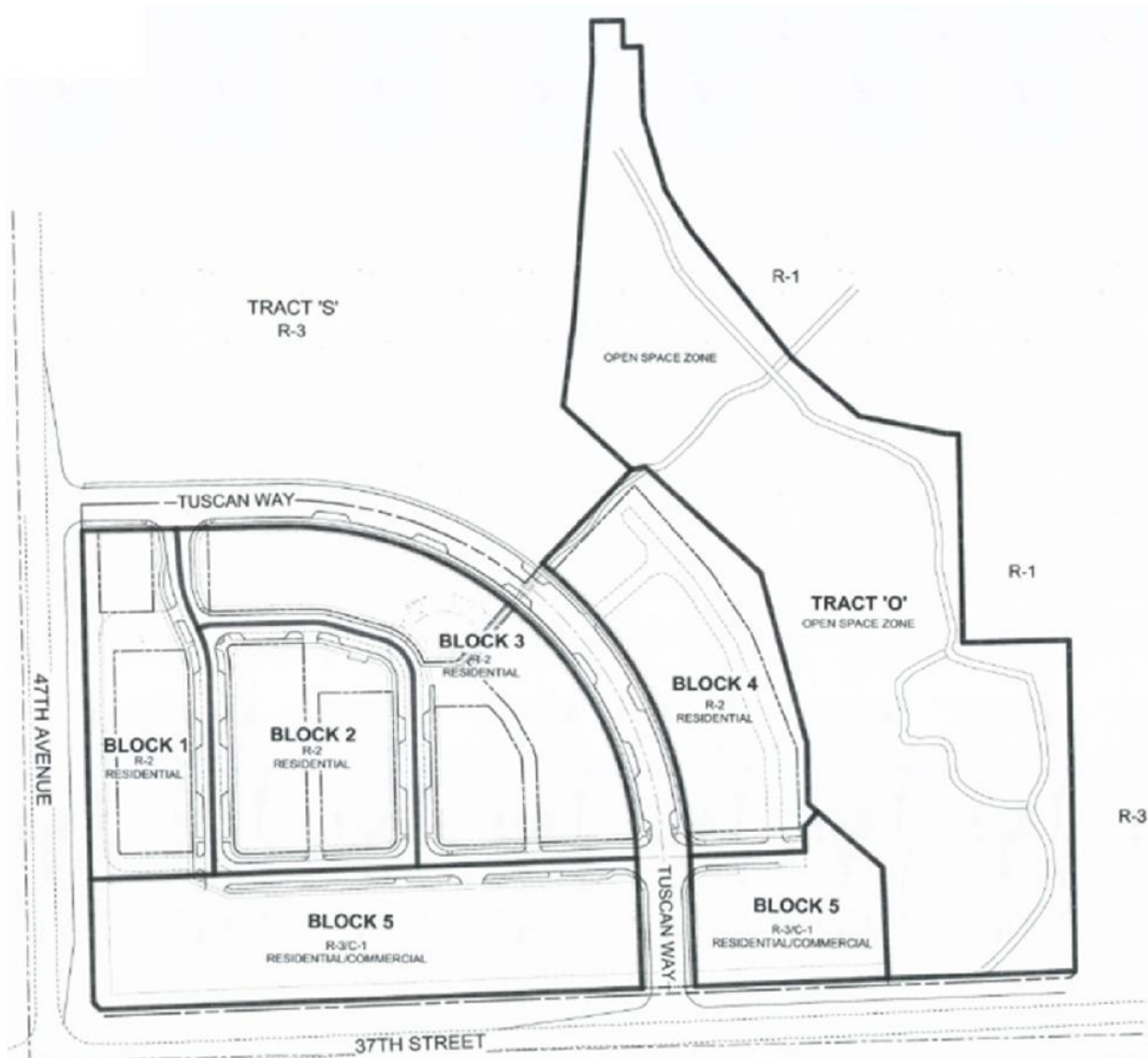
## ITEM DESCRIPTION:

The applicant, Mountain Regions Development, is requesting approval of a Sketch Plan to propose a conceptual design for Phase 2 of the Wildhorse at Tuscany, multi-family development in the Residential R-3 and Planned Unit Development (PUD) zoning districts. The subject property is vacant and located east and south of the Wildhorse at Tuscany, Phase 1 multi-family development, currently under construction. Adjacent properties have been developed as open space and single-family homes. The property is located northeast of the intersection of 37th Street and 47th Avenue, as part of the Tuscany Subdivision, Fourth and Second Filings. The property is outlined on the aerial below.



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The southern portion of the property was zoned PUD with Open Space, Commercial and Residential uses in 2019. The Change of Zone Map is below. Note that subsequent to this proposal, Tract O was purchased by the City for use as Open Space and one of the sites for the City's non-potable water system.



The northern portion of the property was zoned R-3 in 2019 by Ordinance No. 702-1.

The proposal includes a total of 263 dwelling units, consisting of multi-family apartment units and 4-unit buildings with attached 2-car garages. The proposal meets the required open space for the project and will provide neighborhood amenities including open space, community gardens, a dog park, playgrounds, picnic areas, a swimming pool, outdoor kitchen areas, a clubhouse, and gathering areas. There are existing drainage facilities to accommodate the proposed development. All proposed lots shall meet the dimensional standards of the existing R-3 zoning district standards.

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The intent of the Sketch Plan can be found in Section 18.07.070.A and is stated as follows, “to examine the feasibility of a project including review of conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, and conformance with the Evans Comprehensive Plan, zoning requirements and requirements of this Title.”

The General Submittal Requirements found in Section 18.07.070.E of the Evans Municipal Code were reviewed against submitted material to determine that the application was complete and ready for processing. The application materials were determined to be complete on August 31st, 2021 and referral agencies were noticed on August 31st, 2021. The City held an internal Development Review Team meeting to discuss the proposal. Staff Comments, Conditions of Approval and Development Standards address compliance with the previous PUD for the southern portion of the proposal as well as compliance with the Municipal Code, standards and specifications. The Review Process for a Sketch Plan, as outlined in Section 18.07.070.C has been followed, including item 10 which indicates, “The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and approve, approve with conditions, continue for additional information or further study or deny the sketch plan.”

The development proposal is consistent with existing plans in place. The northern portion of the development proposal is designated as “Residential-High Density” in the Comprehensive Plan’s Future Land Use Map. The southern portion of the development is designated as “Commercial” in the Comprehensive Plan. The development proposal of multi-family land use helps to achieve the purpose of the Residential-High Density designation by including primarily multifamily residences with shared parking, access, and other facilities. This future land use map was prepared in 2014 and pre-dates the zoning of the southern parcel. The southern parcel was zoned PUD for Open Space, Commercial and Residential purposes in 2019 (Ordinance No. 702-19).

**Criteria for Approval.** Section 18.07.070.D of the Municipal Code lists Criteria for Approval of a Sketch Plan. These three criteria are listed below with narrative detailing compliance with these three criteria.

**Criteria 1.** The proposed subdivision is consistent with the goals and policies of the City of Evans Comprehensive Plan.

**Criteria 2.** The proposed subdivision complies with this Chapter and all other applicable engineering and design regulations and standards.

**Criteria 3.** The applicant has demonstrated that all public notice requirements have been met.

*Response: Staff finds that the application is consistent with this criterion for the following reasons.*

- 1. The proposed subdivision is consistent with the goals and policies of the City of Evans Comprehensive Plan by meeting Policy 4.5 of the Comprehensive Plan to maintain and encourage housing that meets the diverse needs of residents and Policy 4.9, to promote high quality site planning and building design.*
  - 2. The proposed subdivision complies with Chapter 18.07. The next step for this developer will be to submit a Site Plan. All other applicable engineering and design regulations and standards are requirements of the Site Plan submittal. Conditions of approval, development standards, and the Site Plan process will ensure a high-quality design.*
  - 3. All public notice requirements have been met pursuant to Chapter 18.07.070 and Chapter 18.10 of the Municipal Code. Signs were posted on the property on September 23, 2021 announcing receipt of an application and on October 15, 2021 announcing the public hearing for the Sketch Plan. The City is required to provide notice of the public hearing by mail at least*
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*ten (10) days prior to the public hearing before the Planning Commission Notice was mailed on October 12, 2021.*

**Conditions of Approval.**

1. A Site Plan Review application shall be submitted to the City following the Planning Commission hearing on the Sketch Plan, if approved. The Site Plan Review application will be prepared in accordance with Section 18.06.060.E inclusive of a neighborhood development plan (18.08.030.H) and Development Agreement. The Development Agreement will be prepared by the City in draft format for discussion after review of the Site Plan Review application submittal.
  2. Development Standards. The proposed development shall adhere to the Development Standards below. Note that these Development Standards may change due to public hearings, or public comment during the hearings. The following Development Standards shall be placed on the Sketch Plan prior to recording with the Weld County Clerk and Recorder by the City of Evans.
    1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.
    2. The plans represented on the Sketch Plan and recorded with Weld County Clerk and Recorder are the plans approved by the City of Evans. Any substantive changes may necessitate a different land use application process or revocation of the Sketch Plan.
    3. The site shall remain in compliance with the City Code at all times.
    4. The proposed development shall comply with the Architectural Standards found in Chapter 18.08 of the Municipal Code.
    5. The proposed development shall comply with the Off-street Parking Requirements found in Section 18.08.080 of the Municipal Code.
    6. The proposed development shall comply with the Landscaping Requirements found in Section 18.08.070 of the Municipal Code.
    7. The proposed development shall comply with the City standards for exterior lighting found in Section 18.08.020 of the Municipal Code.
    8. All signage for the development shall comply with the Sign Code, contained within the Municipal Code in Chapter 18.09.
    9. Block configuration on the Sketch Plan Map does not supersede or replace, reconfigure lots or blocks to allow for proposed layout. A replat may be required for the future Site Plan Review to reconfigure or eliminate lots. The replat application may be able to be processed administratively simultaneously with the Site Plan Review application.
    10. The developer is responsible to maintain the property from the back side of the curb into the property including landscaping, sidewalks, etc.
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11. The developer is responsible for providing water in an adequate amount and quality to serve the proposed development.
  12. All damaged existing surface infrastructure identified in the City Engineering Comments - Attachment 2 shall be removed and replaced with this development.
  13. The applicant shall apply for building permits with the City of Evans and is subject to review by the Evans Fire Protection District.
3. A Site Plan Review application is required for the next step of development review by the City. A Site Plan Review application shall be prepared in accordance with Section 18.06.060.E. of the Municipal Code. The following items shall be included in the Site Plan Review application materials:
- a. The Conditions of Approval found in Ordinance 702-19 (Attachment 5) shall be included in the submittal of a Site Plan Review application.
  - b. Include a neighborhood development plan prepared in accordance with 18.08.030.H.
  - c. The Site Plan Sheet shall be prepared in accordance with Section 18.06.060.F. of the Municipal Code inclusive of the following:
    - i. Planning Comments provided in Attachment 1 shall be addressed by the developer with the Site Plan Review Application submittal, including but not limited to the following:
      - i. Proposed pedestrian pathways and sidewalks shall be clearly marked on the Site Plan Map.
      - ii. Building orientation of townhomes shall be clarified in the Project Description or called out on the Site Plan map.
      - iii. All proposed alley widths shall be provided on the Site Plan map.
      - iv. The maximum building height for proposed Parcel B shall be 37'-6" pursuant to the approved Zoning Amendment (Ordinance No. 702-19). Should the applicant request taller buildings, a variance request will need to be made.
      - v. The number of required and proposed neighborhood identity features shall be added to the Parcel summaries on the Site Plan Map, pursuant to Section 18.08.030.F.4 of the Land Use Code.
      - vi. The required parking ratio and proposed parking spaces shall be provided in the Parcel summaries. The City can be flexible regarding the number of parking spaces needed with input from the applicant.
    - ii. A Traffic Impact Study shall be provided with the Site Plan to evaluate Tuscan Way and the adjoining arterial roadways. Traffic calming features will be required and included in the Development Agreement.

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- iii. The future Development Agreement may include the following elements:
    - a. All damaged existing surface infrastructure identified in Attachment 2 shall be removed and replaced with this development.
    - b. The developer shall contribute to the cost of undergrounding electrical facilities along 47<sup>th</sup> Avenue. This cost shall be calculated by the City Engineer and included in the Development Agreement.
  - d. Comments provided by the City engineering department on September 24<sup>th</sup>, 2021 (Attachment 2) shall be addressed with the required Site Plan Review Application.
  - e. Comments provided by the Fire Marshal, Joe DeSalvo (Attachment 3) shall be addressed with the required Site Plan Review Application.
  - f. The developer shall address the comments provided by the City engineering department regarding Water Dedication found in Attachment 4. The applicant shall address these comments with the Site Plan Review Application submittal.
    - i. The EQR demand is derived from the number and type of living units proposed for the site.
    - ii. The required number of EQRs was determined with the assumption that both parcels will have non-potable water for outside use.
    - iii. The developer shall verify the number of EQRs available for Tract B.
  - g. The developer shall be advised that the proposed development is required to comply with the requirements of the Ashcroft Draw sanitary sewer reimbursement agreement and it is the developer's obligation to contribute to the Tuscany non potable system. The required contribution will be recorded in the Developers Agreement. An estimate shall be provided to the developer upon request. A copy of this agreement (Attachment 6) is attached for your reference.

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#### **FINANCIAL SUMMARY:**

There are no negative implications of approving this Sketch Plan request.

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#### **RECOMMENDATION:**

Staff recommends approval of the Sketch Plan for the rationale explained in the Criteria for Approval Section of this agenda memo along with the Conditions of Approval and Development Standards also found in this agenda memo.

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#### **SUGGESTED MOTIONS:**

*"I move to approve Resolution No. PC-2021-001 as proposed with the Conditions of Approval and Development Standards."*

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*“I move to deny Resolution No. PC-2021-001 as proposed for the reasons as stated\_\_\_\_\_.”*

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**ATTACHMENTS:**

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Attachment 1: Planning Comments

Attachment 2: Engineering Comments

Attachment 3: EFPD Comments

Attachment 4: Water Dedication (EQR)

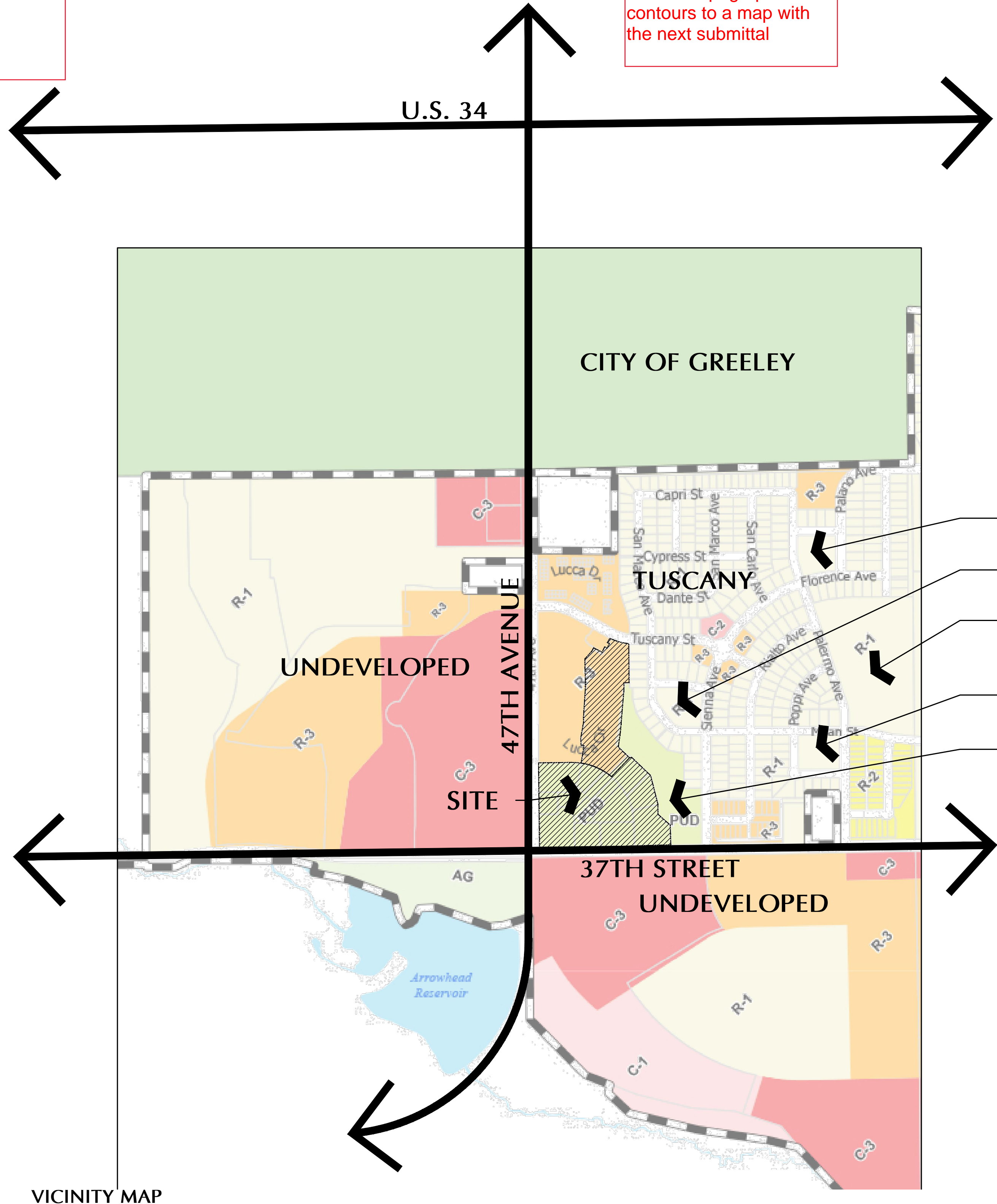
Attachment 5: Zoning Amendment Map and Ordinance 702-19

Attachment 6: Ashcroft Draw Reimbursement Agreement

Planning Comments  
Katelyn Puga  
1st Submittal  
9/24/2021

Provide topographic  
contours to a map with  
the next submittal

Add total  
acreage of  
the Parcels  
to sheet



VICINITY MAP  
SCALE 1"=500' APPROXIMATE



Can this be  
made larger  
to take up  
blank space  
and be more  
legible.

## PROPERTY DESCRIPTION

**Parcel A**  
Lot 2 of Tuscany Fourth Filing,  
Situate in the Southwest Quarter of Section 23, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld,  
State of Colorado

**Parcel B**  
Lots 1-12, inclusive, Tuscany-Second Filing being a replat of Tracts B,C,3,20,21,22,23 And Tract 24 of Tuscany-First Filing, Situate in the  
Southwest Quarter of Section 23, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld, State of Colorado

## PHASING STATEMENT

THIS DEVELOPMENT WILL BE ENTITLED AND CONSTRUCTED IN TWO PHASES. PARCEL A AND B WILL BE INDIVIDUAL PHASES

## SITE PLAN NOTES:

1. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS. AMENDMENTS TO THE PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PRIOR TO THE IMPLEMENTATION OF ANY CHANGES TO THE PLANS.
2. REFER TO FINAL UTILITY PLANS FOR EXACT LOCATIONS AND CONSTRUCTION INFORMATION FOR STORM DRAINAGE STRUCTURES, UTILITY MAINS AND SERVICES, PROPOSED TOPOGRAPHY, STREET IMPROVEMENTS.
3. REFER TO THE SUBDIVISION PLAT AND UTILITY PLANS FOR EXACT LOCATIONS, AREAS AND DIMENSIONS OF ALL EASEMENTS, LOTS, TRACTS, STREETS, WALKS AND OTHER SURVEY INFORMATION.
4. ALL ROOFTOP AND GROUND MOUNTED MECHANICAL EQUIPMENT MUST BE SCREENED FROM VIEW FROM ADJACENT PROPERTY AND PUBLIC STREETS. IN CASES WHERE BUILDING PARAPETS DO NOT ACCOMPLISH SUFFICIENT SCREENING, THEN FREE-STANDING SCREEN WALLS MATCHING THE PREDOMINANT COLOR OF THE BUILDING SHALL BE CONSTRUCTED. OTHER MINOR EQUIPMENT SUCH AS CONDUIT, METERS AND PLUMBING VENTS SHALL BE SCREENED OR PAINTED TO MATCH SURROUNDING BUILDING SURFACES.
5. ALL CONSTRUCTION WITH THIS DEVELOPMENT PLAN MUST BE COMPLETED IN ONE PHASE UNLESS A PHASING PLAN IS SHOWN WITH THESE PLANS.
6. ALL BIKE RACKS PROVIDED MUST BE PERMANENTLY ANCHORED.
7. ALL SIDEWALKS AND RAMPS MUST CONFORM TO CITY STANDARDS. ACCESSIBLE RAMPS MUST BE PROVIDED AT ALL STREET AND DRIVE INTERSECTIONS AND AT ALL DESIGNATED ACCESSABLE PARKING SPACES. ACCESSABLE PARKING SPACES MUST SLOPE NO MORE THAN 1:48 IN ANY DIRECTION. ALL ACCESSIBLE ROUTES MUST SLOPE NO MORE THAN 1:20 IN DIRECTION OF TRAVEL AND WITH NO MORE THAN 1:48 CROSS SLOPE.
8. COMMON OPEN SPACE AREAS AND LANDSCAPING WITHIN RIGHT OF WAYS, STREET MEDIANS, AND TRAFFIC CIRCLES ADJACENT TO COMMON OPEN SPACE AREAS ARE REQUIRED TO BE MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION. THE PROPERTY OWNERS' ASSOCIATION IS RESPONSIBLE FOR SNOW REMOVAL ON ALL ADJACENT STREET SIDEWALKS AND SIDEWALKS IN COMMON OPEN SPACE AREAS.
9. THE PROPERTY OWNER FOR EACH RESIDENTIAL LOT IS RESPONSIBLE FOR SNOW REMOVAL ON ALL STREET SIDEWALKS ADJACENT TO EACH RESIDENTIAL LOT.
10. PRIVATE CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R'S), OR ANY OTHER PRIVATE RESTRICTIVE COVENANT IMPOSED ON LANDOWNERS WITHIN THE DEVELOPMENT, MAY NOT BE CREATED OR ENFORCED HAVING THE EFFECT OF PROHIBITING OR LIMITING THE INSTALLATION OF XERISCAPE LANDSCAPING, SOLAR/PHOTO-VOLTAIC COLLECTORS (IF MOUNTED FLUSH UPON ANY ESTABLISHED ROOF LINE), CLOTHES LINES (IF LOCATED IN BACK YARDS), ODOR-CONTROLLED COMPOST BINS, OR WHICH HAVE THE EFFECT OF REQUIRING THAT A PORTION OF ANY INDIVIDUAL LOT BE PLANTED IN TURF GRASS.
11. ANY DAMAGED CURB, GUTTER AND SIDEWALK EXISTING PRIOR TO CONSTRUCTION, AS WELL AS STREETS, SIDEWALKS, CURBS AND GUTTERS, DESTROYED, DAMAGED OR REMOVED DUE TO CONSTRUCTION OF THIS PROJECT, SHALL BE REPLACED OR RESTORED TO CITY OF FORT COLLINS STANDARDS AT THE DEVELOPERS EXPENSE PRIOR TO THE ACCEPTANCE OF COMPLETED IMPROVEMENTS AND/OR PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
12. FIRE LANE MARKING: A FIRE LANE MARKING PLAN MUST BE REVIEWED AND APPROVED BY THE FIRE OFFICIAL PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, APPROVED SIGNS OR OTHER APPROVED NOTICES THAT INCLUDE THE WORDS NO PARKING FIRE LANE SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS TO IDENTIFY SUCH ROADS OR PROHIBIT THE OBSTRUCTION THEREOF. THE MEANS BY WHICH FIRE LANES ARE DESIGNATED SHALL BE MAINTAINED IN A CLEAN AND LEGIBLE CONDITION AT ALL TIMES AD BE REPLACED OR REPAIRED WHEN NECESSARY TO PROVIDE ADEQUATE VISIBILITY.

## DESIGN TEAM

**OWNER:**  
CPMF, LLC  
461 Harbor Ct.  
Windsor, CO 90550  
Mike Hill, mike@mtnregions.com  
phone:

**SITE PLAN/ LANDSCAPE PLAN**  
VIGNETTE STUDIOS, LLC  
PO BOX 1889  
FORT COLLINS, CO 80522-1889  
TERENCE HOAGLUND, hoaglund@vignetestudios.com  
970-472-9125

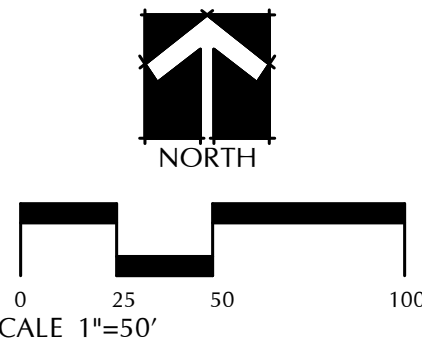
**LAND SURVEYOR:**  
KING SURVEYING  
650 EAST GARDEN DRIVE  
WINDSOR, CO 80550  
970-686-5011

**CIVIL ENGINEER**  
ASPEN ENGINEERING  
19 OLD TOWN SQUARE #238  
FORT COLLINS, CO 80524  
JOHN GOOCH, JohnG@aspen-engineer.com  
970-419-4344

**ARCHITECT**  
KEPHART  
2555 WALNUT ST.  
DENVER, CO 80205  
ADAM KANTOR, AdamK@kephart.com  
303-832-4474

## SHEET INDEX

1. VICINITY MAP
2. EXISTING FEATURES
3. SITE PLAN



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Windsor, CO 90550

\\A\Gad\Studios\02\_L\_Sun\_Hoaglund\_v1\_Signature.jpg

Wildhorse 2 at Tuscany  
Sketch Plan Submittal

EVANS, COLORADO

JOB NO:	51504
ACAD FILE:	51504C1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	AUGUST 25, 2021

REVISIONS	DATE

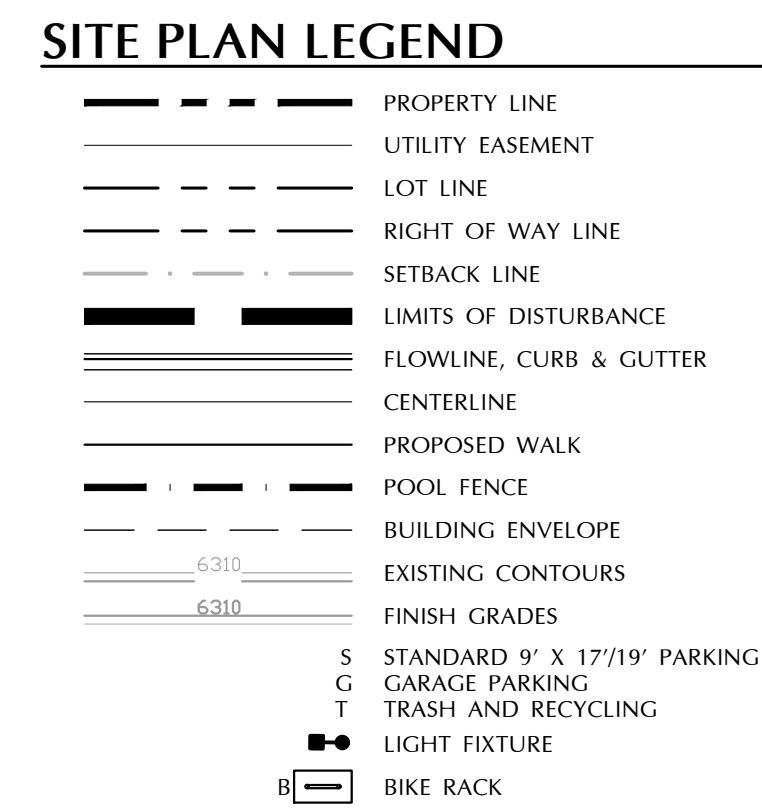
SHEET TITLE:

VICINITY MAP

SHEET NO:

1 OF 3





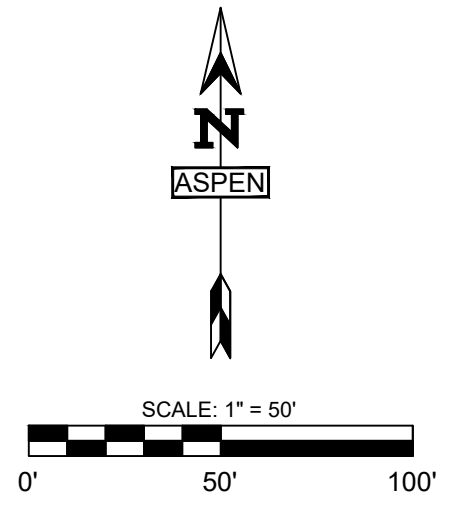
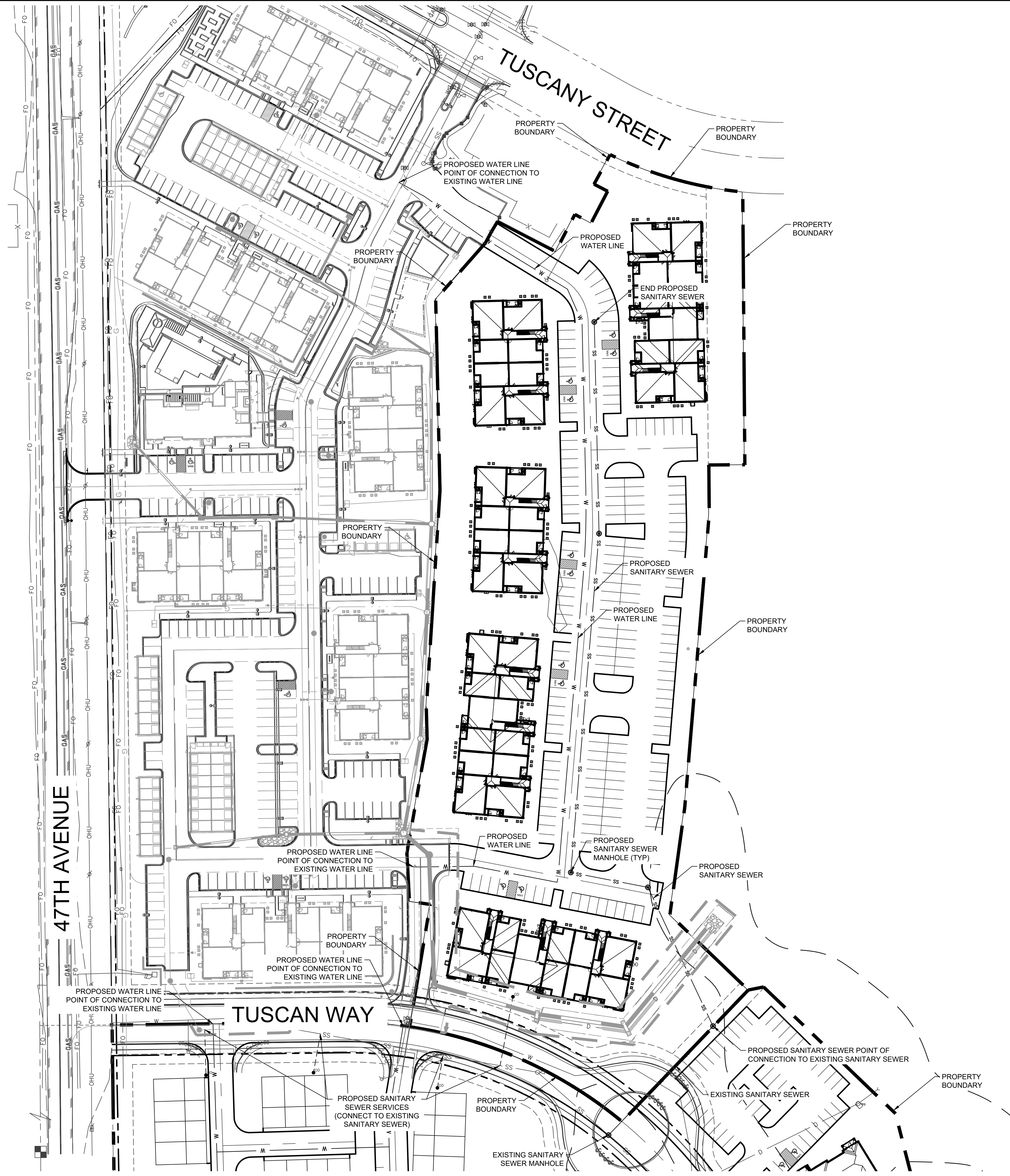
EVANS, COLORADO

JOB NO:	51504
ACAD FILE:	51504C1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	AUGUST 25, 2021
REVISIONS	DATE
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SHEET TITLE:	
<b>EXISTING FEATURES</b>	
SHEET NO:	
<b>2</b>	OF <b>3</b>

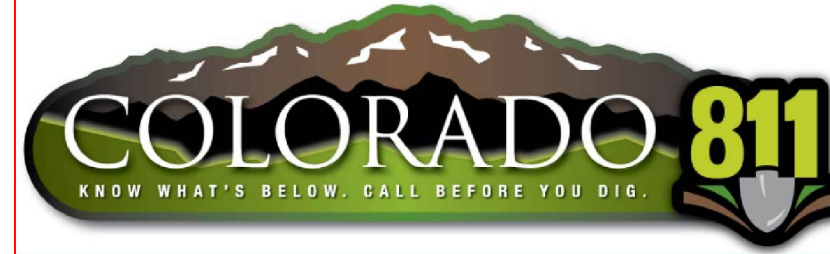








- NOTES:
1. THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY . CONCEPTUAL LAYOUT FOR WATER AND SANITARY SEWER IS BEING PROVIDED FOR DISCUSSION WITH THE CITY OF EVANS.
  2. CONCEPTUAL STORM SEWER LAYOUT IS NOT BEING PROVIDED AT THIS TIME, AS NO CONCEPTUAL GRADING PLAN HAS BEEN GENERATED. HOWEVER, ASPEN ANTICIPATES RUNOFF FROM THE PROPOSED SITE BEING CONVEYED TO THE EXISTING MASTERPLAN POND SYSTEMS, PER THE APPROVED MASTERPLAN DRAINAGE REPORT(S) FOR THIS AREA.
  3. CONCEPTUAL LAYOUT FOR SANITARY SEWER AND WATER ASSUMES THAT CORRESPONDING UTILITY INFRASTRUCTURE TO THE WEST AND SOUTHEAST WILL BE EXTENDED AND TIED-IN TO AT THE LOCATIONS SHOWN.



CALL UTILITY NOTIFICATION  
CENTER OF COLORADO  
**1-800-922-1987**  
CALL 2 BUSINESS DAYS IN ADVANCE  
BEFORE YOU DIG, GRADE, OR EXCAVATE  
FOR THE MARKING OF UNDERGROUND  
MEMBER UTILITIES.



REV. #	DESCRIPTION OF REVISION	DATE	REVISED BY	APPROVED BY
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

CHECKED BY: JRG

DESIGNED BY: JRG

DRAWN BY: AGW

PROJECT / LOCATION: **WILDHORSE 2 @ TUSCANY APARTMENTS**  
EVANS, COLORADO

DRAWING: **CONCEPTUAL UTILITY PLAN (NORTH)**



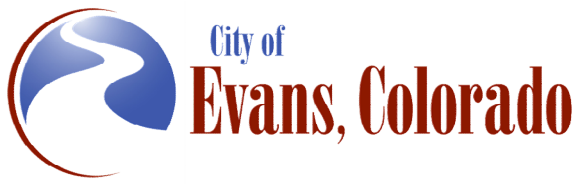
PROJECT NO: 87-105  
DATE: 8/25/21

SHEET NO: EX-1









---

1100 37<sup>th</sup> Street • Evans, CO 80620 • (970) 475-1170

## MEMO

**To:** Katelyn Puga, City Planner  
**From:** Todd Hepworth, P.E., C.F.M., Civil Engineer  
**Re:** 21-Sketch-01 Engineering Review Comments  
**Date:** September 24, 2021

---

- 1) The City has recently completed construction on the adjoining pump station & grading of the ponds in "Tract O".
  - a. Note that the eastern property line(s) for this development (Wildhorse II) are down the embankment(s) of the ponds. If the development proceeds as shown in the Sketch plan, it appears that parking lots & potentially buildings would be constructed over these slopes and potentially within the wet region(s) of the ponds. (See the image below of the Weld County GIS property lines, sketch plan & aerial image merged together).
  - b. The ponds were constructed / finished per the original development plan for Tuscany and were not enlarged with the recent construction project.
  - c. City Engineering will provide the Applicant with CAD files of both the design grading drawings and the final construction "As-Built" drawings.
  - d. The Contractor for that project has not provided the City with the final "As-Built" drawings at this time. There is a 6-inch "Recirculation pipe" along the western side of the ponds from the pump house to the northern-most pond that keeps water flowing over the concrete drop (aeration) structures. The City will work with the Applicant on defining an easement (15-ft width) for this pipeline with the platting process.
  - e. The Tract O improvements included a 5-ft wide "aggregate base trail" up to the southern of the two concrete drop structures, this feature may be adjusted with Site grading, but should remain in some form. Additionally, the City would like to see this feature extended through the development all the way north to Tuscany Street as a Public trail.
  - f. The existing conditions are such that the two storm drainage pipes from "Wildhorse Phase 1" and the northern portion of this Site have a storm drainage outfall that are submerged below the normal water surface of the northern-most pond. This water level is controlled by the drop structure constructed with the original Site development, and was not modified by the City. Rather than making substantial structural & grading changes to the northern pond, it is feasible and likely best to adjust these pipes to combine into a single pipe that discharges into the middle of the three ponds. With this modification, the pipes could combine into a single outfall pipe that would discharge above the normal water level and allow complete drainage of the onsite storm drainage system. This would also alleviate a concern that freezing could damage (break) the RCP pipe.
- 2) The Site is intended to be served by the non-potable system within the overall Tuscany development. There is a 4-inch main along the north side of 37<sup>th</sup> Street with a 2" non-potable tap about 12-ft below grade that the City can help locate. The 4-inch non-potable main should be

looped through the site from 37<sup>th</sup> to Tuscany Street to provide better service to the Wildhorse development(s) as the overall system is charged from a different direction from the pump station with potable water during the “shoulder” seasons.

- 3) The Site should complete the dedication of Right-of-Way for Tuscan Way from 37<sup>th</sup> Street through to 47<sup>th</sup> Avenue.
- 4) While City Engineering believes that the proposed roundabout at 37<sup>th</sup> Street and 47<sup>th</sup> Avenue will enhance or sufficiently serve traffic in the region, the applicant should provide a TIS that looks at the trips via Tuscan Way to the adjoining arterial roadways. Tuscan Way will be designated “No Parking.” Consideration may be given to a narrower design section and lane width as a means of discouraging excessive speed on this local road / collector.
- 5) The existing surface infrastructure (curb, gutter & sidewalk) has substantial undercutting & potential damage from the prairie dog colony(ies) previously on the Site. All such infrastructure should be completely removed / replaced as it will not be considered acceptable to the City.
- 6) The previous design(s) for the Site and construction activities included perimeter foundation drains that had been at least partially installed. It is uncertain if the currently proposed buildings would also require such drainage features. Please note that all underdrain outfalls into the ponds have been plugged, disconnected from the ponds, and abandoned in place.
- 7) Based upon the City’s experience with constructing the ponds, the applicant is strongly encouraged to consider applying a soil sterilant beneath all proposed pavement surfaces.
- 8) The Site will need to contribute to the cost of undergrounding electrical facilities along 47<sup>th</sup> at the same rate (pro-rata share) as applied to Wildhorse at Tuscany.
- 9) The Site should also provide arterial and local street lighting along 37<sup>th</sup> Street, 47<sup>th</sup> Avenue and Tuscan Way matching current City standards.





## **Wildhorse #2**

The following comments are provided by the Evans Fire Protection District (EFPD) and are in accordance with the 2018 International Fire Code (IFC) and are **NOT** approval for construction.

The following includes but is not limited to:

1. Additional Fire hydrants will be required
2. Sprinkler systems will be required on all three-story buildings
  - a. Ensure the domestic water supply to the site is sufficient for peak flow with adequate residual pressure/flow to supply the fire sprinkler system
3. The two-story buildings must meet the definition of a "townhome" in the IRC or residential sprinkler systems will be required in these buildings as well.
4. All internal streets will be designated as fire lanes
  - a. Signage & curb painting will be required to mark these fire lanes
  - b. Any traffic calming devices are prohibited
5. Any dead-end roads in excess of 150ft will require an approved turn around.
6. We will need dimensions of the internal streets to ensure they are sufficient to move fire apparatus through the site.
7. Construction must meet the requirements of IFC Chapter-33

Once all the proper documents are received, we will review them and be able to provide more specific comments. All comments are also noted on page "EX-2" of the sketch plan. **This list is intended to provide the owner with as much information as possible but we may add to it.**

## City of Evans

### Raw Water Dedication Requirements

City Code: Section 13.08.040 Dedication or Transfer of Water Rights

#### Wildhorse 2, Parcels A and B

*NOTE: In accordance with paperwork obtained by research:*

*In 2016 Wildhorse Lot 1 (current Wildhorse Development) and Lot 2 (proposed Parcel A) each had 44.5 EQRs assigned to these properties.*

*In 2018 Wildhorse Lot 1 (current Wildhorse Development) received an additional 8 EQRs by transfer from Lot 2 (proposed Parcel A) Lot 2 (proposed Parcel A) resulting in a total of 52.5 EQRs. In turn Lot 2 (proposed Parcel A) had 8 EQRs deducted from its previous total resulting in a total of 36.5 EQRs*

*Net Result Parcel A (formerly Lot 2)= 52.5 EQRs and Parcel B (formerly Tuscany Coarner) = 36.5 EQRs*

**Parcel A (Previously known as Lot 2 located east of current Wildhorse Development)**

**Proposed for 3 each 33 unit buildings and 2 each 24 unit buildings (147 total units)**

Description of Living Units	No. of Bldgs/Units per Bldg	EQR/Dwelling Unit (Fixed Ratio Set by City assuming a Non-Potable System is planned)	Total Proposed No. of Units	Required EQR's
Apartments	(3 x 33 units, 2 x 24 units)	0.35	147	51.45
	<b>Total</b>		<b>147</b>	<b>51.45</b>
EQRs provided by Applicant				<b>36.50</b>
<b>Additional EQR's Required</b>				<b>14.95</b>

**Parcel B (Previously known as Tuscany Corner) South of current Wildhorse Development**

**Proposed for 11 each 4 unit Townhomes and 3 each 24 unit apt. buildings (116 total units)**



# VILLAGGIO AT TUSCANY ZONING AMENDMENT MAP

Lots 1-12 and Tract "O" of Tuscany Second Filing  
Part of the Southwest Quarter of Section 23, Township 5 North, Range 66 West  
of the 6th P.M., City of Evans, County of Weld, State Of Colorado

## CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that DG HOLDINGS LLC, DAKA PROPERTIES LLC, DAVID JANSSEN and GARY NORDIC, being the owners, mortgage or lienholder of certain land in the City of Evans, Colorado, described as follows:

### PROPERTY DESCRIPTION

A parcel of land being Lots 1-12 and Tract O, Tuscany-Second Filing Being a Replat of Tracts B, C, 3, 20, 21, 22, 23 and Tract 24 of Tuscany-First Filing recorded January 14, 2002 at Reception No. 2916649 within the records of Weld County, situate in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Evans, County of Weld, State of Colorado, being more particularly described as follows:

**COMMENCING** at the Southwest corner of Section 23 and assuming the West line of the SW1/4 of said Section 23, as monumented on the South end by a #6 rebar with a 2.5" aluminum cap L.S. 37947 and on the North end by a #6 rebar with a 3.25" aluminum cap L.S. 22098, as bearing North 00°24'31" West being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2631.76 feet with all other bearings contained herein being relative thereto;

The lineal dimensions as contained herein are based upon the U.S. Survey Foot.

THENCE North 49°57'49" East a distance of 95.37 feet to the East right-of-way line of 47th Avenue and to the **POINT OF BEGINNING**;

THENCE North 00°42'30" West along said East right-of-way line a distance of 579.17 feet to the Southwest corner of Lot 1, Tuscany Fourth Filing recorded March 16, 2018 at Reception No. 4383414 within the records of Weld County;

Thence along the Southerly and Easterly lines of said Tuscany Fourth Filing the following Eight (8) courses and distances:

THENCE North 89°17'30" East a distance of 223.57 feet to a Point of Curvature (PC);  
THENCE along the arc of a curve concave to the Southwest a distance of 299.01 feet, said curve has a radius of 425.00 feet, a delta of 40°18'36" and is subtended by a chord bearing South 70°33'12" East a distance of 292.88 feet;  
THENCE North 43°49'07" East a distance of 178.70 feet;  
THENCE North 46°10'53" West a distance of 106.48 feet;  
THENCE North 07°53'35" East a distance of 105.88 feet;  
THENCE North 04°46'16" East a distance of 288.92 feet;  
THENCE North 00°26'22" West a distance of 47.84 feet;

THENCE North 89°33'38" East a distance of 35.29 feet to the Westerly line of Block 1, Tuscany-First Filing recorded March 21, 2000 at Reception No. 2756849 within the records of Weld County;

Thence along the Westerly line of said Block 1, Tuscany-First Filing the following Eleven (11) courses and distances:

THENCE South 00°26'22" East a distance of 30.00 feet;  
THENCE North 89°33'38" East a distance of 20.00 feet;  
THENCE South 00°44'36" East a distance of 78.97 feet;  
THENCE South 15°54'11" East a distance of 90.06 feet;  
THENCE South 30°45'37" East a distance of 53.91 feet;  
THENCE South 37°33'02" East a distance of 185.48 feet;  
THENCE South 48°12'21" East a distance of 100.67 feet;  
THENCE South 77°47'53" East a distance of 99.37 feet;  
THENCE South 87°25'50" East a distance of 14.89 feet;  
THENCE South 00°26'22" East a distance of 240.00 feet;  
THENCE North 89°33'38" East a distance of 120.00 feet to the West right-of-way line of Sienna Avenue;  
THENCE North 89°33'38" East along said West right-of-way line a distance of 578.64 feet to a PC;  
THENCE along the arc of a curve concave to the Northwest a distance of 13.94 feet, said curve has a radius of 9.00 feet, a delta of 88°44'10" and is subtended by a chord bearing South 43°55'43" West a distance of 12.59 feet to the North right-of-way line of 37th Street;  
THENCE South 88°17'48" West along said North right-of-way line a distance of 1093.78 feet to a PC;  
THENCE along the arc of a curve concave to the Northeast a distance of 14.29 feet, said curve has a radius of 9.00 feet, a delta of 90°59'42" and is subtended by a chord bearing North 46°12'21" West a distance of 12.84 feet to the East right-of-way line of 47th Avenue and to the **POINT OF BEGINNING**.

Said parcel of land contains 16.17 Acres or 704,566 Sq. Ft., more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

have by these presents laid out as a zoning amendment, under the name and style of VILLAGGIO AT TUSCANY ZONING AMENDMENT MAP, and do hereby agree to perform under the terms noted herein.

*David Janssen*  
DG Holdings 2 LLC

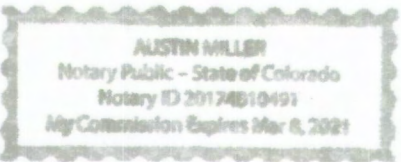
By: David Janssen As: Manager

The foregoing dedication was acknowledged before me this 4 day of September, 20 19 A.D.

My Commission expires: 03/08/2021

Witness my Hand and Seal

Notary Public



## CERTIFICATE OF DEDICATION AND OWNERSHIP (Continued)

*David Janssen*  
DAKA Properties LLC, a Colorado limited liability corporation

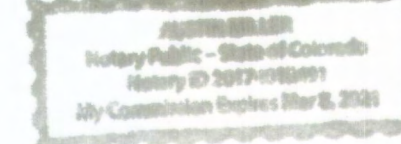
By: David Janssen As: Manager

The foregoing dedication was acknowledged before me this 4 day of September, 20 19 A.D.

My Commission expires: 03/08/2021

Witness my Hand and Seal

Notary Public



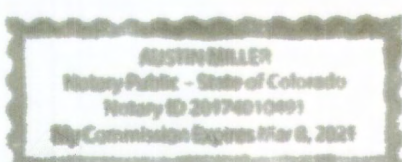
David Janssen As: Individual

The foregoing dedication was acknowledged before me this 4 day of September, 20 19 A.D.

My Commission expires: 03/08/2021

Witness my Hand and Seal

Notary Public



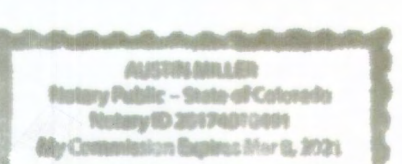
Gary Nordic As: Individual

The foregoing dedication was acknowledged before me this 4 day of September, 20 19 A.D.

My Commission expires: 03/08/2021

Witness my Hand and Seal

Notary Public



## PLANNING COMMISSION CERTIFICATE

This plat reviewed by the City of Evans Planning Commission this 12th day of September

20 19 A.D.

*Deborah Ann*  
Chairman

## CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

Approved by the City Council of Evans, Colorado, this 13th day of September, 20 19 A.D.

Mayor:

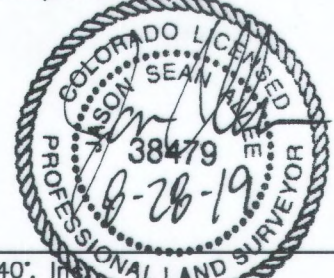
Attest:

City Clerk



## SURVEYOR'S STATEMENT

I, Jason S. Allee, a Colorado Licensed Professional Land Surveyor, do hereby state that the Property Description describing the parcels of land being zoned as R-2 and R-3/C-1 in the City of Evans was prepared and checked under my supervision.



Sheet 1 of 1

Jason S. Allee—On behalf of Lat40°, Inc.  
Colorado Licensed Professional Land Surveyor No. 38479

## NOTES:

- The Zoning Amendment Map does not supersede the Replat, reconfigure lots or Blocks, or remove the notes as recorded at Reception No. 2916649 with the Weld County Clerk and Recorder.
- Notice: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)
- Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.

## PROJECT CONTACTS:

### OWNERS:

DG HOLDINGS LLC  
3217 SHORE ROAD  
FORT COLLINS, CO 80524-1687  
PH: [REDACTED]  
ATTN: DAVID JANSSEN

DAVID JANSSEN  
3217 SHORE ROAD  
FORT COLLINS, CO 80524-1687  
PH: [REDACTED]

### ARCHITECT:

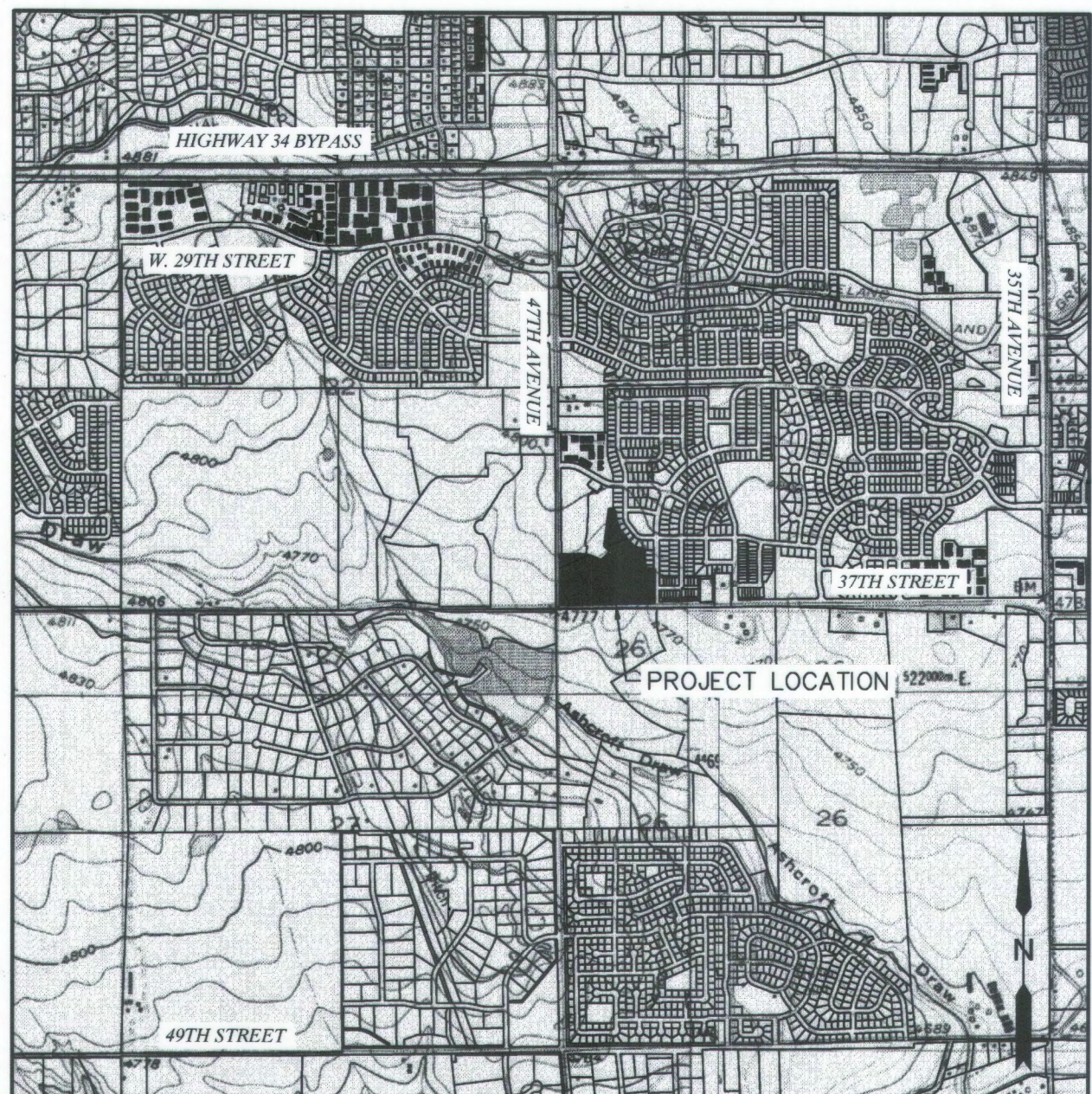
LOCKWOOD ARCHITECTS  
415 E. PITKIN STREET  
FORT COLLINS, CO 80524  
PH: 970-493-1023  
ATTN: COURTNEY LOCKWOOD

### CIVIL ENGINEER:

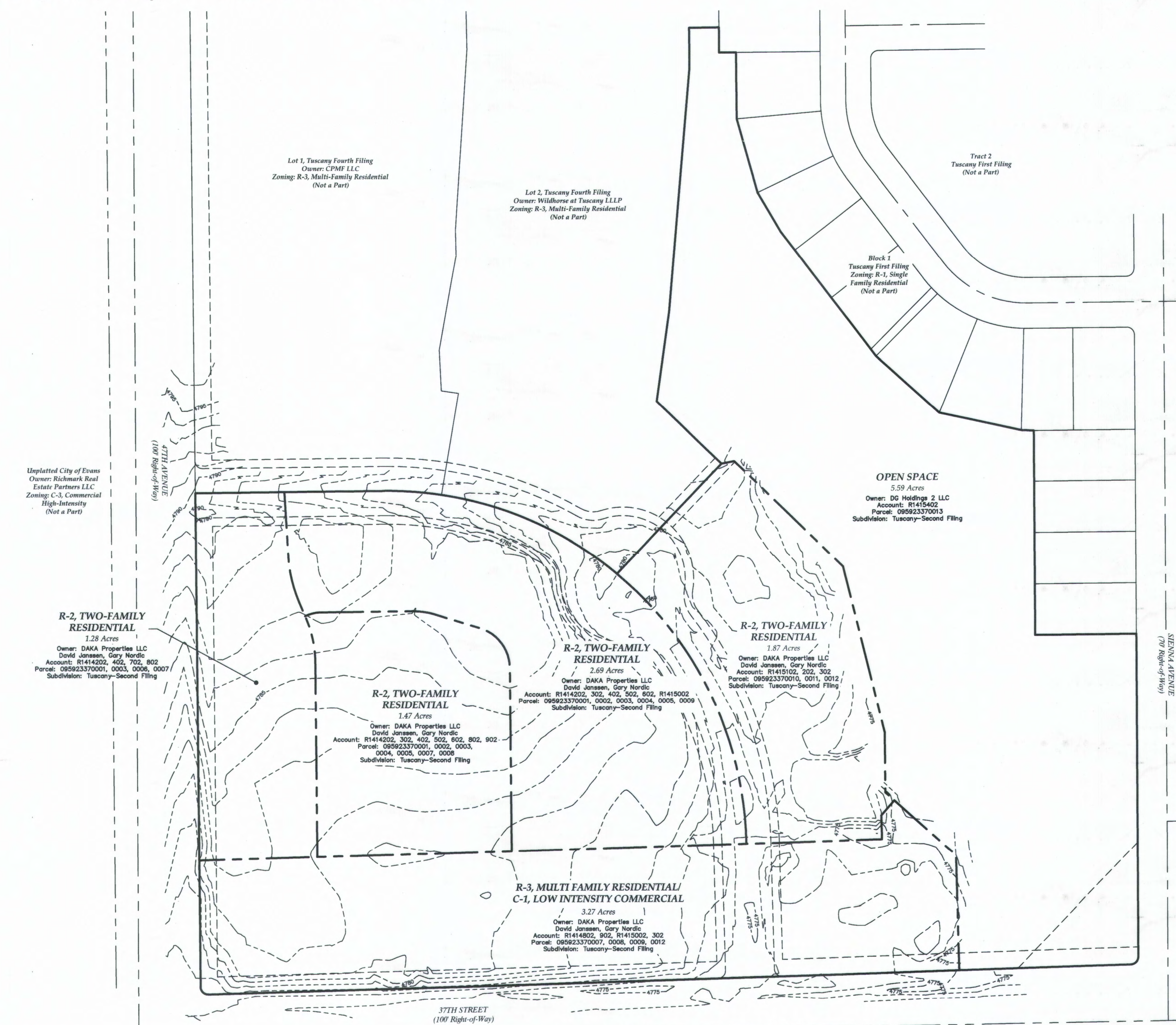
OLSSON  
1880 FALL RIVER DRIVE, SUITE 200  
LOVELAND, CO 80538  
PH: 970-635-3714  
ATTN: MIKE MAURER

### SURVEYOR:

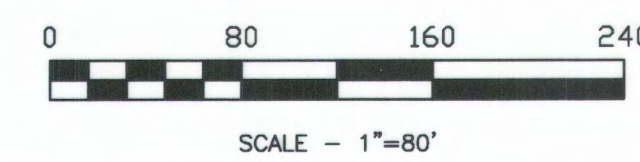
LAT40°, INC.  
6250 W. 10TH STREET, UNIT 2  
GREELEY, CO 80634  
PH: 970-515-5294  
ATTN: JASON ALLEE



VICINITY MAP  
SCALE - 1"=2000'



Unplatted City of Evans  
Owner: Tuscany Parcel 3 L.L.P.  
Zoning: C-3, Commercial  
High-Intensity  
(Not a Part)



## LEGEND

- BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EXISTING CONTOUR
- EXISTING CONTOUR INDEX
- ZONING BOUNDARY



Lat40°, Inc.  
Professional Land Surveyors  
6250 W. 10th Street, Unit 2  
Greeley, CO 80634  
O: 970-515-5294

DATE: 8/13/2019	FILE NAME: 2019032C0Z	DRAWN BY: JSA	CHECKED BY: JSA	SCALE: 1"=80'	PROJECT #: 2019032
REVISIONS:	DATE:	ZONING AMENDMENT MAP FOR OLSSON 1880 FALL RIVER DRIVE, SUITE 200 LOVELAND, COLORADO 80538			
REVISIONS PER CITY OF EVANS	08-26-2019				
PER CITY OF EVANS	08-28-2019				



**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 702-19**

**AN ORDINANCE REZONING CERTAIN PROPERTY REFERRED  
GENERALLY AS THE VILLAGGIO DEVELOPMENT FROM COMMERCIAL  
(C-3) AND RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT FOR  
RESIDENTIAL (R-2 and R-3), COMMERCIAL (C-1), AND OPEN SPACE USES**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, David Janssen and Gary Nordic ("the Applicant"), are the owners of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Property is currently zoned Commercial (C-3) and Residential (R-3);  
and

**WHEREAS**, the Applicant has filed an application with the City asking, in part, to rezone the portion of the Property from Commercial (C-3) to Planned Unit Development (PUD) for Residential (R-2 and R-3) and Commercial (C-1), and to rezone the portion of the from Residential (R-3) to Planned Unit Development (PUD) for Open Space; and

**WHEREAS**, the Application includes a draft development and plan guide that staff has reviewed and will be finalized with the subsequent Site Plan Review application to meet the requirements of the Evans City Code; and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete; and

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for a Planned Unit Development under the Evans City Code, including but not limited to Section 18.04.110.B; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

**WHEREAS**, the adjacent landowners have been notified per Evans City Code Sections 18.09.010 and 18.09.020; and

**WHEREAS**, the criteria that are to be considered by the Planning Commission and the City Council in determining whether to approve an application to rezone a parcel of land to PUD are set forth in Section 18.04.170D. of the Evans City Code. Those criteria include:

1. A need exists for the proposal;
2. The particular parcel of ground is indeed the correct site for the proposed



- development;
- 3. There has been an error in the original zoning; or
- 4. There have been significant changes in the area to warrant a zone change;
- 5. Adequate circulation exists, and traffic movement would not be impeded by development;
- 6. Additional municipal service costs will not be incurred which the City is not prepared to meet;
- 7. There are minimal environmental impacts or impacts can be mitigated;
- 8. The proposal is consistent with the Evans Comprehensive Plan maps, goals and policies; and
- 9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses; and

**WHEREAS**, following proper notice, the Planning Commission considered the Application at its regular meeting on June 25, 2019; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the Planning Commission considered the criteria set forth above and did not act with regard to the Application;

**WHEREAS**, following proper notice, the City Council considered the Application at its regular meeting on July 2 and July 16, 2019; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and voted to approve the Application subject to the conditions set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. The Property is hereby rezoned from Commercial (C-3) to PUD for Residential (R-2 and R-3), Commercial (C-1) and Open Space Uses, and the City Clerk is hereby directed to amend and revise the City's zoning map to reflect this change.

2. The draft development plan and guide is hereby approved in concept and it is recognized the Site Plan Review application will include a final development plan and Development Agreement.

3. The Council's approval is subject to the following conditions, all of which shall be satisfied before any permits will be issued in connection with this development:

A. Prior to recording the Change of Zone, the following Conditions shall be met:

a. Amend Cover Sheet LO.1

i. This map will be recorded. The Vicinity Map needs to be revised in black and white format that will record well.

- ii. Move signature blocks to this Cover Sheet.
  - b. Create a formal PUD Map/Change of Zone Map to be recorded. This map should include the Boundary Survey and PUD Zone designation.
  - c. Clarify PUD Zoning and Block Map
    - i. This map will be recorded. Remove the Vicinity Map as it will be on LO.1.
    - ii. Outline blocks vs. having them in different shading. This map will be recorded, and the shading is difficult to read.
    - iii. Label blocks on the map and delete the plan key.
    - iv. Number this map consistent with other mapping products.
- B. At the time the Site Plan Review application is submitted, the following Conditions shall be met:
  - a. A Site Plan Review application package shall be prepared in accordance with Section 18.05.010 – 050. The Site Plan will require full engineering including a Final Grading Plan, Utility Plan and Drainage Report.
  - b. A Development Agreement shall be requested from the City Attorney. A completed copy shall be provided with the Site Plan Review application package. The Development Agreement will need to be approved by City Council prior to finalizing the Site Plan Review application.
  - c. The draft Development Guide dated May 6, 2019, shall be amended to reflect findings in staff comments regarding the waivers requested as well as the items below. The Development Guide will need to be approved by City Council prior to finalizing the Site Plan Review application.
    - i. Section 2.3.1: Maintenance of all landscaping, sidewalks and common features is the responsibility of the Homeowner's Association.
    - ii. Section 3.1.1: Accessory buildings or structures for the Residential portion of the development are not appropriate due to the lot sizes.
    - iii. Section 4 and Sheet L.5.1 need to be rectified with the City Code for off-street parking requirements.
    - iv. Section 6.3: Lighting standards consistent with the City's standards are required to be illustrated on the Site Plan and in the Development Guide.
  - d. The applicant shall enter into an agreement with adjacent parcel owners of Tracts S and T to the North regarding dedication of the full Right-of-Way for Tuscan Way to the City, and the applicant shall provide construction details of the appropriate roadway section.
  - e. The applicant shall indicate how the definition of "Open Space" and the Open Space standards of the bulk requirements found in the Land Use Code will be adhered to.
  - f. Plan/Map Set changes are warranted as described below.
    - i. Sheet LI.1
      - 1. Confirm additional Right-of-Way required for both 47<sup>th</sup> Avenue and 37<sup>th</sup> Street with City Engineer.
      - 2. Confirm location and depth of sanitary sewer line along





- 37<sup>th</sup> Street with City Engineer.
  3. Confirm additional Right-of-Way that will be required for the intersection of 47<sup>th</sup> Avenue and 37<sup>th</sup> Street.
  4. Confirm the number and location of fire hydrants with the Fire Chief and with City Water Department. These should be reflected on the Utility Plan as well.
  5. The Alley and Access Easements are not wide enough for fire access along 47<sup>th</sup> Avenue. Fire Protection District will not set up on 47<sup>th</sup> Avenue.
  6. Internal streets do not reflect minimum width. Twenty-four (24) feet of width is required with no parking on either side. Pull-outs for parking are acceptable.
- ii. Sheet L1.2
1. The existing conditions exhibit contains topography for Tract O. Transfer this topography to the Site Plan and Grading Plan.
  2. Sheet L3.1 Overall Grading Plan.
  3. The Drainage Report shall document that the existing drainage infrastructure is still adequate for the proposed layout. Compare the imperviousness from the original plan to the proposed plan.
  4. Illustrate the existing storm sewer and confirm adequacy for proposal.
- iii. Sheet L4.1 Utility Plan
1. Confirm fire hydrant placement with the City of Evans Fire Department.
  2. At Tuscan Way near 47<sup>th</sup> Street intersection, it is unclear if the proposal is extending the sewer line from MH SS-A9 to the tie-in.
  3. The additional Right-of-Way that may be needed along 47<sup>th</sup> Avenue and 37<sup>th</sup> Street may necessitate a siting change to the proposed apartments.
- iv. Sheet L5.1 Parking – Parking requirements of Chapter 18.07 of the Municipal Code shall be met.
- v. Sheet L6.1 shall be prepared according to the Development Standards of the Land Use Code section of the Municipal Code found in Chapter 18.07, and in particular, Section 18.07.070 including the following:
1. Provide a legend on the map/plan.
  2. Illustrate location of curb cuts throughout proposed development.
  3. Sight Distance triangles need to be illustrated at each intersection onto either 37<sup>th</sup> Street or 47<sup>th</sup> Avenue per Code Section reference 18.07.070.R.2.a.
  4. Include details on what will be the Neighborhood Identity Feature. This can be included in the Development Guide


- and should be in conformance with the Municipal Code Development Standards.
5. Include room for a sidewalk along 47<sup>th</sup> Avenue and 37<sup>th</sup> Street. Installation of the sidewalk will be reflected in the Development Agreement.
  6. Review the following Code Section references for plant material selection and quantity requirements:  
18.07.070.R.2.a, 18.07.070.R, 18.07.070.D
  7. General landscape plan notes and the Plant List General notes should reflect the Site Plan Review vs. Final Plat.
  8. The Plant List shall be completed to reflect quantities.

4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 2<sup>nd</sup> DAY OF JULY, 2019.**

**ATTEST:**

  
Karen Frawley, City Clerk




**CITY OF EVANS, COLORADO**

BY

  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 16<sup>th</sup> DAY OF JULY, 2019.**

**ATTEST:**

  
Karen Frawley, City Clerk



**CITY OF EVANS, COLORADO**

BY

  
Brian Rudy, Mayor

**REIMBURSEMENT AGREEMENT**

**SANITARY SEWER MAIN**

**ASHCROFT DRAW SANITARY SEWER JOINT VENTURE  
AND THE CITY OF EVANS, COLORADO**

THIS AGREEMENT, effective December 3, 2002, by and between the City of Evans, Colorado, a municipality organized under the laws of the State of Colorado, and acting by and through its wastewater enterprise with governmental offices located at 1100 37th Street, Evans, Colorado 80620 (hereinafter referred to as "City"), and the Ashcroft Draw Sanitary Sewer Joint Venture, organized and existing under and pursuant to the laws of the State of Colorado having its principal office at 5801 West 11<sup>th</sup> Street, Suite 201, Greeley, Colorado 80634 (hereinafter referred to as "Developer"), shall provide for reimbursement for the construction of the sanitary sewer main described herein to the Developer, by the City through future users.

**The parties recite and declare:**

WHEREAS, by Ordinance No. 1000-96 of the City of Evans, Colorado (hereinafter referred to as "the Ordinance"), a procedure is in place such that developers of private property may seek reimbursement of costs associated with their construction of a sanitary sewer main from future users of said sanitary sewer main at the time a future user requests to obtain a sanitary sewer tap to connect to the sanitary sewer main constructed by the developer; and

WHEREAS, Developer has extended the existing sanitary sewer main of the City generally from 49<sup>th</sup> Street immediately east of Ashcroft Draw to the east side of the Saint Michaels Subdivision, as approved by the City of Greeley; and

WHEREAS, The City has participated in providing for part of the costs of the extension, specifically, surveying and design, and

WHEREAS, the City of Evans has determined the Saint Michaels Subdivision is, under Section 13.28.020 of the Ordinance, a "noncontiguous development" such that off-premise sanitary sewer mains may be constructed and the reimbursement for its construction rendered by future users; and

WHEREAS, the parties agree the four conditions of the above-mentioned Section 13.28.020 have been, or will be, complied with before reimbursement may occur; and

WHEREAS, the City of Evans and the City of Greeley have an Intergovernmental Agreement for sewage treatment services allowing the City of Evans to provide sanitary sewer treatment services to customers within a certain part of the City of Greeley; and

WHEREAS, both Developer and the City desire to enter into this Agreement in order to comply with the Ordinance;

**Wherefore the parties agree as follows:**

Developer may construct and initially pay for, pursuant to the parameters enumerated in Section 13.28.020 of the Ordinance, a sanitary sewer main commencing at the City's existing sanitary sewer main located at approximately 49<sup>th</sup> Street and Ashcroft Draw and terminating one half mile west of 65<sup>th</sup> Avenue, adjacent to Ashcroft Draw, more particularly described as follows:

- Phase I Sanitary Sewer Main (36") - from 49<sup>th</sup> Street east of Ashcroft Draw, northwesterly along the east side of Ashcroft Draw to 47<sup>th</sup> Avenue, a distance of approximately 7,500 L.F.
- Phase II Sanitary Sewer Main (24") - along 37<sup>th</sup> Street from 47<sup>th</sup> Avenue on the east, westerly to its intersection with Ashcroft Draw, thence northwesterly along the north side of Ashcroft Draw to a point one half mile west, a distance of approximately 10,500 L.F.

Both Developer and the City have approved the location of the sanitary sewer main along the above route and acknowledge that a sanitary sewer main located therein will comply with City specifications and service needs with respect to wastewater disposal for the proposed drainage/service area.

NOW, THEREFORE, for mutual consideration, the adequacy of which is sufficient, Developer and the City hereby enter into this Agreement and further do hereby agree to the procedures outlined below for the partial reimbursement to Developers for the construction costs associated with the sanitary sewer main:

**I. Construction Commencement**

A. Construction will be in accordance with City specifications. The City has retained Jacobsen Helgoth Consultants of Lakewood, Colorado to provide a complete set of plans and specifications for the construction of said sanitary sewer main. Developer shall complete construction of the sanitary sewer main no later than April 1, 2003.

**II. Cost of Construction**

A. The initial total cost of construction of the sanitary sewer main, sized and using a slope that is adequate to drain the drainage/service area as identified, is \$1,750,000. This cost includes, but is not limited to: (1) "drainage/service area" evaluation; (2) right-of-way/easement acquisition; (3) surveying; (4) engineering and design; (5) construction; (6) testing; (7) reclamation; (8) construction loan fees and interest; (9) permits and fees. The

actual cost of construction as provided for above shall be used to determine the total base amount that is subject to reimbursement to the City of Evans for surveying and design and the Developer. The City shall solely determine the costs eligible for reimbursement.

### **III. Calculation of Reimbursement**

A. The City contracted with Jacobsen Helgoth Consultants of Lakewood, Colorado, to evaluate and deliver a report identifying the factors that both the City and Developer agree will serve as the basis for the determination of reimbursement as follows:

1. the drainage/service area of the proposed sanitary sewer main (see attached map);
2. the anticipated "types of use" per property within said drainage/service area based upon the City's February, 1996 Comprehensive Plan and/or preliminary development plans;
3. the number of acres within each property (further broken down into either residential or commercial uses);
4. the number of "units" per acre and total number of "units" per property;

B. The Jacobsen Helgoth report (attached and incorporated with this Agreement) estimates that the average flow of the proposed sanitary sewer main will be 501,000 GPD, with a peak flow of 2,000,000 GPD (4.0 peaking factor). The estimated flow from property owned by Developer within the drainage/service area is 10% of the total capacity. The estimated flow from the balance of the properties within the drainage/service area will utilize 90% of the total capacity.

C. The City has determined that the amount the Developer is eligible for reimbursement of the actual construction costs incurred, is limited to \$1,365,000, the "eligible costs". During the first five (5) years of the agreement, Developer may be reimbursed an amount equal to 120% of said eligible costs associated with the construction of the sanitary sewer main, together with accrued interest on the 120% sum. Annual interest shall accrue at a rate equal to the ten-year U.S. treasury bills at the time of acceptance by the City and shall commence on the first of the month following the date of final acceptance of construction of the project by the City, such date being March 18, 2003. Therefore the total amount eligible for reimbursement during the first five years of this Agreement shall be \$1,638,000 plus accrued interest compounded annually at said Ten-year U.S. Treasury Bill rate of 3.9%. During the remaining 5 years of the 1<sup>st</sup> ten year term of the agreement, Developer may be reimbursed an amount equal to 130% of said eligible costs, together with accrued interest compounded annually on the 130% sum at said interest rate. Therefore the total amount eligible for reimbursement after the first five years of this Agreement shall be \$1,774,500 plus accrued interest compounded annually at said rate.

D. The City of Evans shall be reimbursed an amount equal to 120% of all costs associated with the surveying and design of said sanitary sewer main plus accrued interest of 3.9% compounded annually. City's eligible costs are initially estimated to be \$100,000.

E. Developer shall be reimbursed a portion of all costs associated with the construction of the proposed sanitary sewer main at the rates described below to be added as a surcharge to the City of Evans and/or the City of Greeley wastewater tap fees to be charged to those properties which have been determined to benefit or future users of the sewer line constructed by Developers plus the applicable interest at the rate of 3.9% per annum compounded annually.

1. Residential Uses. For residential uses, the rate of reimbursement shall be calculated based upon the gross area of each development at the time of final platting. Furthermore the rate due and payable before adding accrued interest is based upon the following table according to the benefit area of the development requesting service:

<u>Basin/Sub-basin</u>	<u>Initial per acre Surcharge Rate</u>	<u>120% per acre Surcharge Rate</u>	<u>130% per acre Surcharge Rate</u>
1	\$787.08	\$944.50	\$1,023.21
2A	\$787.08	\$944.50	\$1,023.21
2B	\$596.99	\$716.39	\$776.09
2C	\$491.73	\$590.08	\$639.25
2D	Non-tributary Area		
2E	\$364.48	\$437.37	\$473.82
2F	\$186.95	\$224.34	\$243.04

2. Commercial Uses. Developer shall be reimbursed a portion of all costs associated with the sanitary sewer main at the same rate as residential uses.

F. The City's estimated costs associated with surveying and design of said sanitary sewer main are \$100,000. The City of Evans shall be reimbursed an amount equal to 120% of said costs associated with the surveying and design of said sanitary sewer main, i.e. if \$100,000 basic costs then \$120,000 plus accrued interest compounded annually at the rate of 3.9% per annum. Said reimbursement shall be paid at the rate of \$100.00/per single family equivalent sewer tap. The definition of a single family equivalent tap shall be as per the City of Evans Water and Sewer Standards.

G. The term for reimbursement shall be ten (10) years from the date of acceptance by the City of the completed sanitary sewer main. The City agrees that application by Developer within this time shall constitute timely application pursuant to Section 13.28.010 of the Ordinance. In addition, pursuant to Section 13.28.020(2) of the



Ordinance, this term may be renewed for additional five (5) year term upon petition by Developer prior to the end of the initial term. No additional interest shall accrue beyond the initial 10 year term. This agreement shall terminate at the end of the initial term, the end of any five (5) year extension, or at which time the Developer has been reimbursed for all funds provided in this agreement, whichever shall first occur.

H. All reimbursement payments shall be transmitted and paid directly to Developer by the City on a monthly basis at the following address:

Ashcroft Draw Sanitary Sewer Joint Venture  
5801 West 11<sup>th</sup> Street, Suite 201  
Greeley, Colorado 80634

I. The City, pursuant to Section 13.28.040 of the Ordinance, shall assume no liability for the receipt of these payments. The City shall have no responsibility under the terms of this Agreement to ensure that any individual, bank, or other organization, who may have an interest in this Agreement, properly deals with said funds. The City shall not recognize any recipients or claimants other than the named individual, bank, or other organization. This Agreement does not constitute a lien or restriction upon City revenues.

J. Both parties agree that the individual surcharge fees described in Paragraphs III.D. and F. are fair and reasonable fees to be assessed to any party requesting to connect to the proposed sanitary sewer main and therefore agree that these fees shall remain fixed as shown unless actual design costs overrun by 10% or more, in which case, the fees may be increased proportionately. There shall be no decrease in the individual surcharge fees in the event City's actual costs are below \$100,000.

K. Both parties agree that the individual surcharge fees described in Paragraphs III.C. and E. are fair and reasonable fees to be assessed to any party requesting to connect to the proposed sanitary sewer main and therefore agree that these fees shall remain fixed as shown unless actual construction costs overrun by 10% or more, in which case, the fees may be increased proportionately. There shall be no decrease in the individual surcharge fees in the event Developer's actual costs are below \$1,365,000.

#### **IV. Connection to Sanitary Sewer Main**

A. Any party desiring to connect to the proposed sanitary sewer main during construction shall apply to the City and make payment of the appropriate tap and surcharge fees to the City at least twenty-one (21) days prior to the date actual construction is scheduled to commence or Developer shall not be obligated to make said connection during the construction period. Any additional costs to make a connection beyond the actual sanitary sewer main shall be borne entirely by the party requesting said



connection. The City agrees to inform any such party that the proposed sanitary sewer main will not be operational until the acceptance of the same by the City.

V. **Paragraph Headings.** The titles to the paragraphs of this Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.

VI. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and any prior understanding or presentation of any kind preceding the date of this Agreement shall not be binding upon any party except to the extent incorporated in this Agreement.

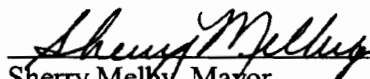
The foregoing Agreement constitutes approval of eligibility for reimbursement under Section 13.28.030 of the Ordinance and is approved and accepted as stated herein on this 3rd day of March, 2003, and shall be binding on both Developer and the City provided that Developer completes the construction of said proposed sanitary sewer main.

**ATTEST:**

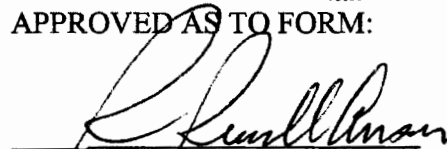
  
Kim Betz, City Clerk



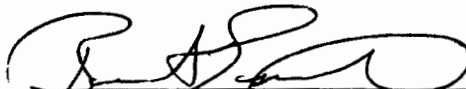
**CITY OF EVANS**

  
Sherry Melby, Mayor

APPROVED AS TO FORM:

  
R. Russell Anson, City Attorney

APPROVED AS TO SUBSTANCE:

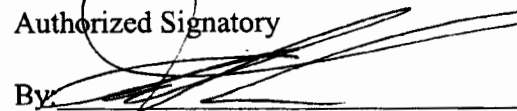
  
Bruce Eigenbauer, City Manager

**ASHCROFT DRAW  
SANITARY SEWER  
JOINT VENTURE**



Luckerth Development Company, LLC.,  
Joint Venturer

Authorized Signatory

By:   
Adam Luckeroth, Member and Manager

**ASHCROFT DRAW  
SANITARY SEWER  
JOINT VENTURE**

Meyer Farm Development, Inc.,  
Joint Venturer

Authorized Signatory

By:   
David J. Calvin, President

## CITY OF EVANS

RESOLUTION NO. 27-2003A RESOLUTION ACCEPTING COMPLETED PUBLIC IMPROVEMENTS FOR  
THE ASHCROFT DRAW SANITARY SEWER MAIN, CITY OF EVANS,  
COUNTY OF WELD, STATE OF COLORADO

WHEREAS, Ordinance No. 025-00 of the City of Evans, Colorado, provides a reimbursement procedure for water, sewer, and storm sewer systems, and

WHEREAS, the City and the Ashcroft Draw Sanitary Sewer Joint Venture entered into a reimbursement agreement that provided for the construction of a sanitary sewer main that serves the Ashcroft Draw drainage basin, and

WHEREAS, Ordinance No. 025-00 and the reimbursement agreement allows for the addition of an interest component to be applied to the reimbursement costs with said interest component effective as of the date of final approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

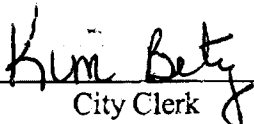
- A. Based upon final inspections by the City's Public Works Department, the Ashcroft Draw Sanitary Sewer Main is hereby initially accepted as per the terms of initial acceptance within the City's Standard Specifications for Water Distribution and Wastewater Collection Systems.
- B. The interest rate to be applied to the initial ten year period of the reimbursement agreements shall be 3.9%, which is the current ten year U.S. Treasury Bill rate.

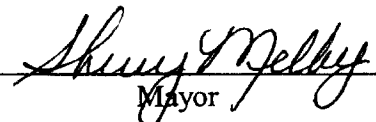
THEREFORE, the City Council of the City of Evans accepts such public improvements and establishes the interest rate at 3.9%.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Council of the City of Evans on this 18<sup>th</sup> day of March, 2003.

ATTEST:

CITY OF EVANS, COLORADO

  
City Clerk

By:   
Mayor

CITY OF EVANS, COLORADO

RESOLUTION NO. 18-2012

A RESOLUTION APPROVING A FIVE YEAR EXTENSION TO THE ASHCROFT DRAW  
SANITARY SEWER REIMBURSEMENT AGREEMENT

WHEREAS, per Chapter 13.28 of the Evans Municipal Code, a reimbursement procedure has been established to provide an incentive for developers of private property to pay for the initial construction of water, sanitary sewer, and storm sewer systems; and

WHEREAS, the City has established a process by which developers of private property can recoup a portion of the initial cost of water, sanitary sewer, and storm sewer mains brought to the site from some distance offsite; and

WHEREAS, the City entered into one such agreement on December 3, 2002, with developers who constructed the Ashcroft Draw Sanitary Sewer Main; and

WHEREAS, the initial ten year term of the reimbursement agreement is scheduled to expire on December 3, 2012; and

WHEREAS, Chapter 13.28 allows for the extension of the initial ten year term of reimbursement agreements if the developer has made such request prior to the expiration of the initial ten year period; and

WHEREAS, the Water and Sewer Board has reviewed the request for an extension and recommends that City Council approve a five year extension.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that the decision of the Water and Sewer Board is hereby upheld and a 5-year extension to the Ashcroft Draw Sanitary Sewer Reimbursement agreement is hereby granted.

- 1) The Ashcroft Draw Sanitary Sewer Reimbursement Agreement is hereby extended for an additional five year term.
- 2) The expiration date of the Ashcroft Draw Sanitary Sewer Reimbursement Agreement is therefore December 3, 2017.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 15<sup>th</sup> day of May, 2012.

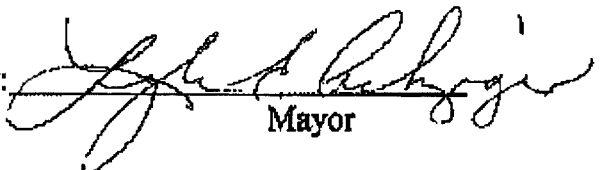
ATTEST:

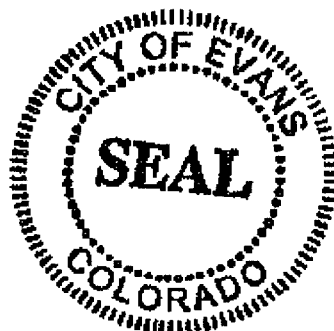
CITY OF EVANS, COLORADO

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City Clerk

By:   
Mayor



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 07-2018**

**A RESOLUTION APPROVING A FIVE-YEAR EXTENSION TO THE ASHCROFT  
DRAW SANITARY SEWER REIMBURSEMENT AGREEMENT**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, Chapter 13.28 of the Evans Municipal Code establishes a reimbursement procedure to provide an incentive for developers of private property to pay for the initial construction of water, sanitary sewer, and storm water systems; and

**WHEREAS**, the City has established a process by which developers of private property can recoup a portion of the initial cost of water, sanitary sewer, and storm sewer mains brought to the site from some distance offsite; and

**WHEREAS**, the City entered into one such agreement on December 3, 2002, with developers who constructed the Ashcroft Draw Sanitary Sewer Main (the "Agreement"); and

**WHEREAS**, Chapter 13.28 of the Evans Municipal Code allows for the extension of the initial ten-year term of reimbursement agreements if the developer has made such request prior to the expiration of the initial ten-year period; and

**WHEREAS**, the Water and Sewer Board has received and reviewed the request for an extension and recommends that the City Council approve an additional five-year extension.

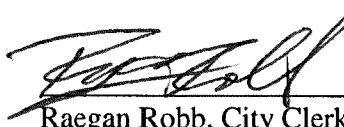
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**


1. The City Council upholds the decision of the Water and Sewer Board and a five-year extension to the Ashcroft Draw Sanitary Sewer Reimbursement Agreement is hereby granted.
2. The expiration date of the Ashcroft Draw Sanitary Sewer Reimbursement Agreement is therefore December 3, 2022.
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF EVANS ON THIS 6TH DAY OF FEBRUARY, 2018.**

ATTEST:

CITY OF EVANS, COLORADO

  
Raegan Robb, City Clerk



BY:   
John L. Morris, Mayor



General Location of Ashcroft Draw Sanitary Sewer Line



47th Avenue

A diagram showing a rectangular box labeled "47th Avenue" with an arrow pointing downwards towards the text "Wildhorse 2 at Tuscany Project Description".

## Wildhorse 2 at Tuscany Project Description

Wildhorse 2 at Tuscany is a proposed multi-family project at the northeast corner of 37th Street and 37th Avenue. This will be a continuation of the existing Wildhorse at Tuscany community currently under construction.

The site consists of two parcels, Parcel A and Parcel B.

### Parcel A

This parcel is 5.36 acres in size and is located immediately east of the existing Wildhorse community. We are proposing to use the same building types that are currently being constructed with the existing Wildhorse community. This will include two 33 unit 3 story walk up buildings, and three 24 unit 3 story walk up buildings for a total of 147 units. Three of the buildings will be placed on the west side of the parcel along open space in Wildhorse. Combined, this will create a large greenbelt within the community. One building will be placed in the northeast corner of the site adjacent to the drainage easement. The final building will be placed on the southern portion of the site adjacent to the existing access. Total open space provided is 2.57 acres, which is higher than the required 2.47 acres.

This parcel is zoned R-3

### Parcel B

This parcel is 10.59 acres in size and is located immediately south to the existing wild horse community. This site is proposed to be a mix of multifamily buildings and townhomes. We are proposing a total of three 24 unit 3 story walk up buildings primarily located along 37th street. The rest of the site is proposed to include eleven 4 unit 2 story buildings. Each unit will include an attached 2 car garage that will be accessed off of an alley, with front doors facing greenbelts with common walkways. This will be a total of 116 units. This parcel will also include a leasing center/ clubhouse and pool area. Total open space provided is 5.25 acres, which is higher than the required 4.76 acres.

This parcel is zoned PUD

### Amenities

Various amenities will be built with this community. These may include any of following:

- Open space
- Community Gardens
- Dog Park
- Playgrounds
- Picnic Areas
- Swimming Pool
- Outdoor Kitchen Areas
- Clubhouse
- Gathering Areas





## **Wildhorse 2 at Tuscany Adverse Impact Assessment**

This site has always been proposed as a multifamily/commercial area as part of the overall Tuscany Development. As such infrastructure, such as water, sewer, and drainage facilities were developed to accommodate this level of development. We do not expect any adverse impacts on public facilities and utilities. 47th Avenue has recently been rebuilt by the City of Evans to a 4 lane arterial street that will handle the traffic needs of this proposal.

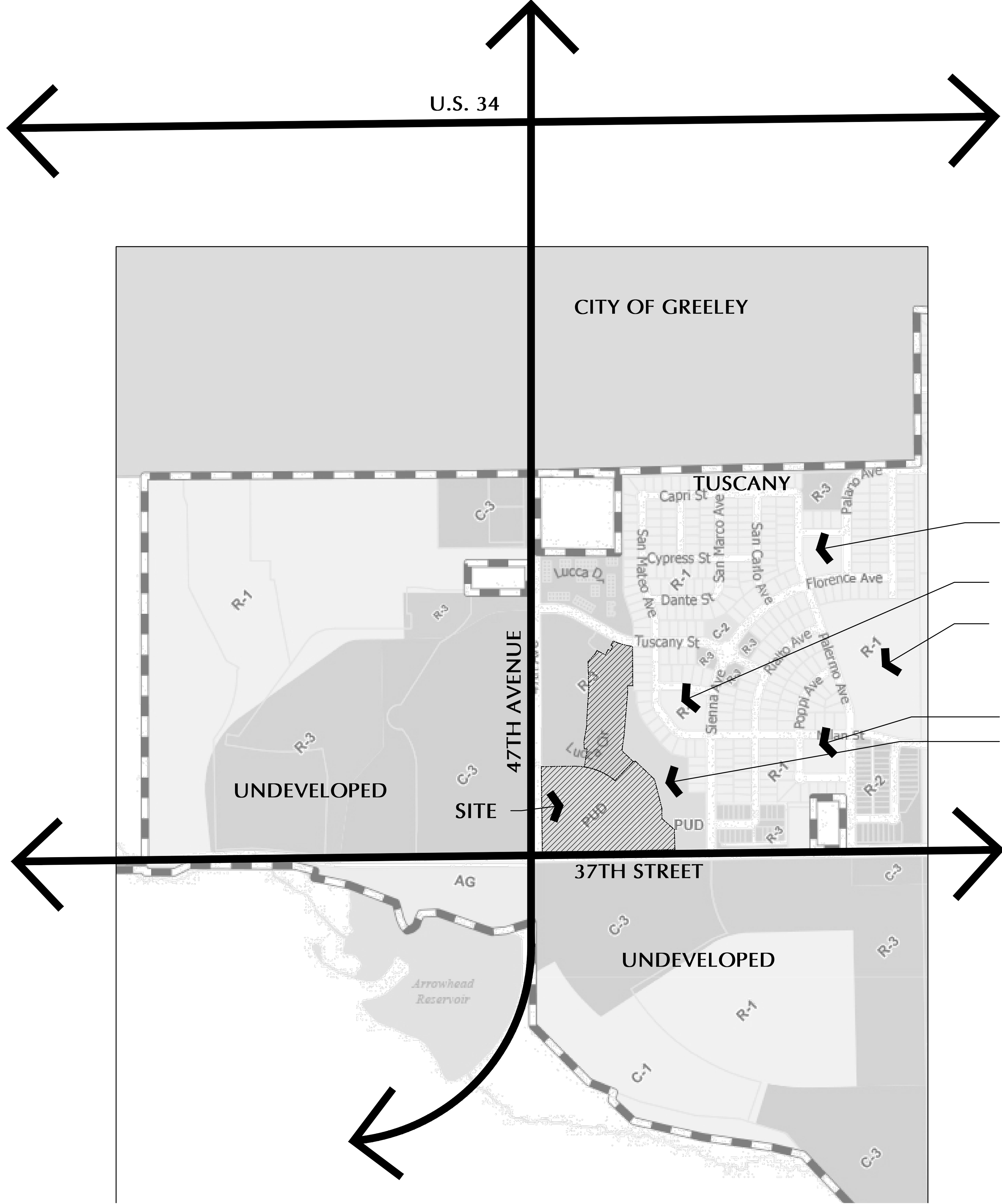


## **Wildhorse 2 at Tuscany Open Space/ Common Area**

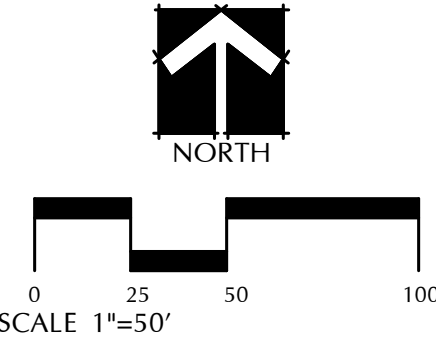
Open Space/ Common Areas will be located throughout the community. These spaces may included various constructed amenities in addition to general open space. These amenities may include the following:

- Open space
- Community Gardens
- Dog Park
- Playgrounds
- Picnic Areas
- Swimming Pool
- Outdoor Kitchen Areas
- Clubhouse
- Gathering Areas

Since this is a proposed rental community, all open space areas and tracts will be owned by the overall land owner of the community and will be maintained by the management company of the community.



VICINITY MAP  
SCALE 1"=400' APPROXIMATE



PROPERTY DESCRIPTION

**Parcel A**  
Lot 2 of Tuscany Fourth Filing,  
Situate in the Southwest Quarter of Section 23, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld,  
State of Colorado.

Said parcel contains 233,339 square feet of 5.357 Acres, more or less.

**Parcel B**  
Lots 1-12, inclusive, Tuscany-Second Filing being a replat of Tracts B,C,3,20,21,22,23 And Tract 24 of Tuscany-First Filing, Situate in the  
Southwest Quarter of Section 23, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld, State of Colorado.

Said parcel contains 461,125 square feet or 10.586 Acres, more or less.

PHASING STATEMENT

THIS DEVELOPMENT WILL BE ENTITLED AND CONSTRUCTED IN TWO PHASES. PARCEL A AND B WILL BE INDIVIDUAL PHASES

SITE PLAN NOTES:

1. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS. AMENDMENTS TO THE PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PRIOR TO THE IMPLEMENTATION OF ANY CHANGES TO THE PLANS.
2. REFER TO FINAL UTILITY PLANS FOR EXACT LOCATIONS AND CONSTRUCTION INFORMATION FOR STORM DRAINAGE STRUCTURES, UTILITY MAINS AND SERVICES, PROPOSED TOPOGRAPHY, STREET IMPROVEMENTS.
3. REFER TO THE SUBDIVISION PLAT AND UTILITY PLANS FOR EXACT LOCATIONS, AREAS AND DIMENSIONS OF ALL EASEMENTS, LOTS, TRACTS, STREETS, WALKS AND OTHER SURVEY INFORMATION.
4. ALL ROOFTOP AND GROUND MOUNTED MECHANICAL EQUIPMENT MUST BE SCREENED FROM VIEW FROM ADJACENT PROPERTY AND PUBLIC STREETS. IN CASES WHERE BUILDING PARAPETS DO NOT ACCOMPLISH SUFFICIENT SCREENING, THEN FREE-STANDING SCREEN WALLS MATCHING THE PREDOMINANT COLOR OF THE BUILDING SHALL BE CONSTRUCTED. OTHER MINOR EQUIPMENT SUCH AS CONDUIT, METERS AND PLUMBING VENTS SHALL BE SCREENED OR PAINTED TO MATCH SURROUNDING BUILDING SURFACES.
5. ALL CONSTRUCTION WITH THIS DEVELOPMENT PLAN MUST BE COMPLETED IN ONE PHASE UNLESS A PHASING PLAN IS SHOWN WITH THESE PLANS.
6. ALL BIKE RACKS PROVIDED MUST BE PERMANENTLY ANCHORED.
7. ALL SIDEWALKS AND RAMPS MUST CONFORM TO CITY STANDARDS. ACCESSIBLE RAMPS MUST BE PROVIDED AT ALL STREET AND DRIVE INTERSECTIONS AND AT ALL DESIGNATED ACCESSABLE PARKING SPACES. ACCESSABLE PARKING SPACES MUST SLOPE NO MORE THAN 1:48 IN ANY DIRECTION. ALL ACCESSIBLE ROUTES MUST SLOPE NO MORE THAN 1:20 IN DIRECTION OF TRAVEL AND WITH NO MORE THAN 1:48 CROSS SLOPE.
8. COMMON OPEN SPACE AREAS AND LANDSCAPING WITHIN RIGHT OF WAYS, STREET MEDIANS, AND TRAFFIC CIRCLES ADJACENT TO COMMON OPEN SPACE AREAS ARE REQUIRED TO BE MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION. THE PROPERTY OWNERS' ASSOCIATION IS RESPONSIBLE FOR SNOW REMOVAL ON ALL ADJACENT STREET SIDEWALKS AND SIDEWALKS IN COMMON OPEN SPACE AREAS.
9. THE PROPERTY OWNER FOR EACH RESIDENTIAL LOT IS RESPONSIBLE FOR SNOW REMOVAL ON ALL STREET SIDEWALKS ADJACENT TO EACH RESIDENTIAL LOT.
10. PRIVATE CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R'S), OR ANY OTHER PRIVATE RESTRICTIVE COVENANT IMPOSED ON LANDOWNERS WITHIN THE DEVELOPMENT, MAY NOT BE CREATED OR ENFORCED HAVING THE EFFECT OF PROHIBITING OR LIMITING THE INSTALLATION OF XERISCAPE LANDSCAPING, SOLAR/PHOTO-VOLTAIC COLLECTORS (IF MOUNTED FLUSH UPON ANY ESTABLISHED ROOF LINE), CLOTHES LINES (IF LOCATED IN BACK YARDS), ODOR-CONTROLLED COMPOST BINS, OR WHICH HAVE THE EFFECT OF REQUIRING THAT A PORTION OF ANY INDIVIDUAL LOT BE PLANTED IN TURF GRASS.
11. ANY DAMAGED CURB, GUTTER AND SIDEWALK EXISTING PRIOR TO CONSTRUCTION, AS WELL AS STREETS, SIDEWALKS, CURBS AND GUTTERS, DESTROYED, DAMAGED OR REMOVED DUE TO CONSTRUCTION OF THIS PROJECT, SHALL BE REPLACED OR RESTORED TO CITY OF FORT COLLINS STANDARDS AT THE DEVELOPERS EXPENSE PRIOR TO THE ACCEPTANCE OF COMPLETED IMPROVEMENTS AND/OR PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
12. FIRE LANE MARKING: A FIRE LANE MARKING PLAN MUST BE REVIEWED AND APPROVED BY THE FIRE OFFICIAL PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, APPROVED SIGNS OR OTHER APPROVED NOTICES THAT INCLUDE THE WORDS NO PARKING FIRE LANE SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS TO IDENTIFY SUCH ROADS OR PROHIBIT THE OBSTRUCTION THEREOF. THE MEANS BY WHICH FIRE LANES ARE DESIGNATED SHALL BE MAINTAINED IN A CLEAN AND LEGIBLE CONDITION AT ALL TIMES AD BE REPLACED OR REPAIRED WHEN NECESSARY TO PROVIDE ADEQUATE VISIBILITY.

DESIGN TEAM

**OWNER:**  
Wildhorse Lot 2, LLC  
461 Harbor Ct.  
Windsor, CO 90550  
Mike Hill, mike@mtnregions.com  
phone:

**SITE PLAN/ LANDSCAPE PLAN**  
VIGNETTE STUDIOS, LLC  
PO BOX 1889  
FORT COLLINS, CO 80522-1889  
TERENCE HOAGLUND, hoaglund@vignetestudios.com  
970-472-9125

**LAND SURVEYOR:**  
KING SURVEYING  
650 EAST GARDEN DRIVE  
WINDSOR, CO 80550  
970-686-5011

**CIVIL ENGINEER**  
ASPEN ENGINEERING  
19 OLD TOWN SQUARE #238  
FORT COLLINS, CO 80524  
JOHN GOOCH, JohnG@aspen-engineer.com  
970-419-4344

**ARCHITECT**  
KEPHART  
2555 WALNUT ST.  
DENVER, CO 80205  
ADAM KANTOR, AdamK@kephart.com  
303-832-4474

SHEET INDEX

1. VICINITY MAP
2. EXISTING FEATURES
3. SITE PLAN

VIGNETTE  
studios

Planning • Landscape Architecture • Graphics

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CLIENT

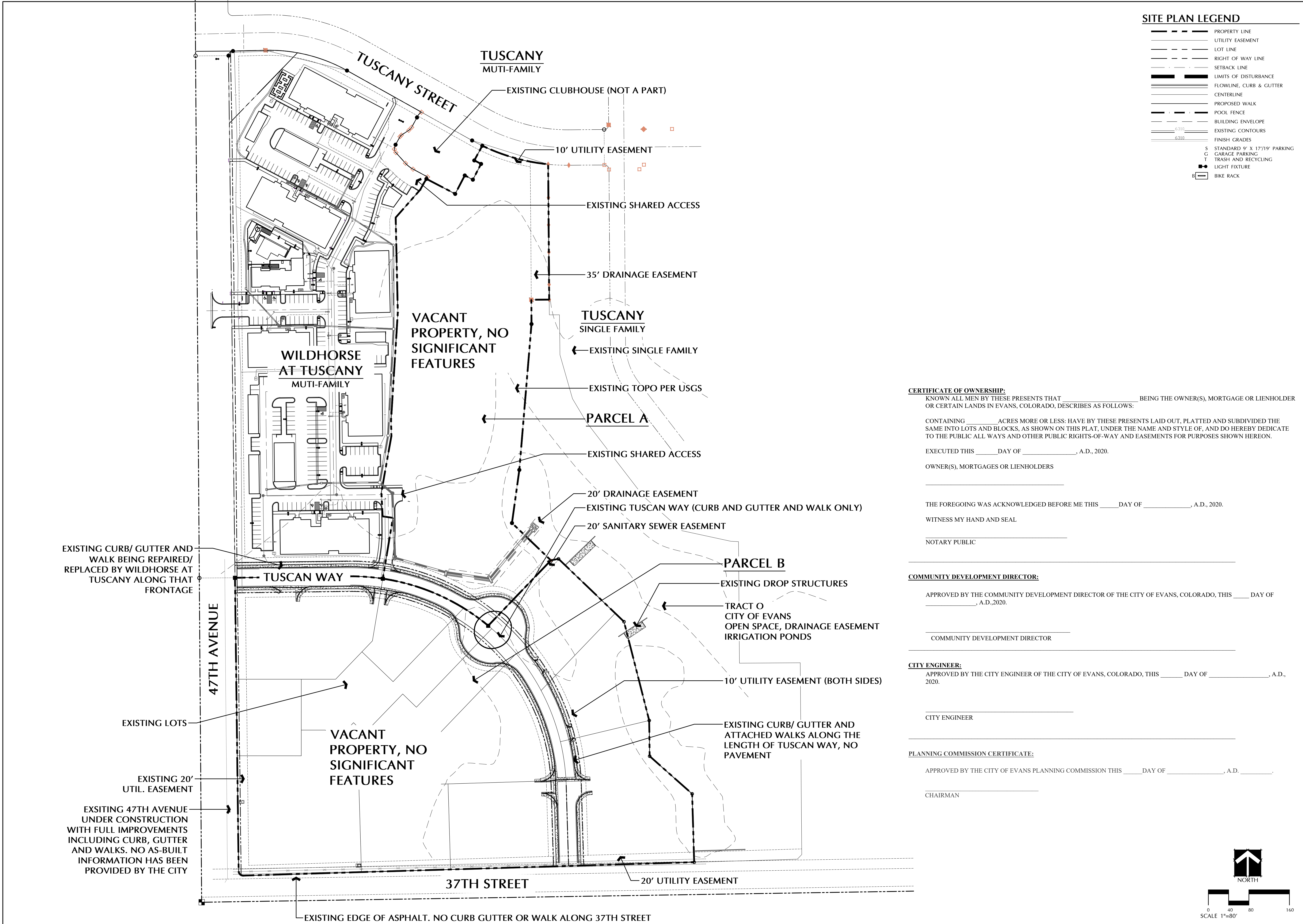
Mountain Regions Dev.  
461 Harbor Ct.  
Windsor, CO 90550

Wildhorse 2 at Tuscany  
Sketch Plan Submittal

EVANS, COLORADO

JOB NO:	51504
ACAD FILE:	51504C1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	AUGUST 25, 2021
REVISIONS	DATE
CITY COMMENTS	10/15/21
SHEET TITLE:	
VICINITY MAP	
SHEET NO:	1 OF 3





SITE PLAN LEGEND	
	PROPERTY LINE
	UTILITY EASEMENT
	LOT LINE
	RIGHT OF WAY LINE
	SETBACK LINE
	LIMITS OF DISTURBANCE
	FLOWLINE, CURB & GUTTER
	CENTERLINE
	PROPOSED WALK
	POOL FENCE
	BUILDING ENVELOPE
	EXISTING CONTOURS
	FINISH GRADES
	STANDARD 9' X 17/19' PARKING
	G GARAGE PARKING
	T TRASH AND RECYCLING
	L LIGHT FIXTURE
	B BIKE RACK

**CERTIFICATE OF OWNERSHIP:**  
KNOWN ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_ BEING THE OWNER(S), MORTGAGE OR LIENHOLDER OR CERTAIN LANDS IN EVANS, COLORADO, DESCRIBES AS FOLLOWS:  
  
CONTAINING \_\_\_\_\_ ACRES MORE OR LESS: HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF, AND DO HEREBY DEDICATE TO THE PUBLIC ALL WAYS AND OTHER PUBLIC RIGHTS-OF-WAY AND EASEMENTS FOR PURPOSES SHOWN HEREON.  
  
EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.  
  
OWNER(S), MORTGAGES OR LIENHOLDERS  
  
\_\_\_\_\_  
  
THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.  
  
WITNESS MY HAND AND SEAL  
  
\_\_\_\_\_  
  
NOTARY PUBLIC

**COMMUNITY DEVELOPMENT DIRECTOR:**  
  
APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.  
  
\_\_\_\_\_  
  
COMMUNITY DEVELOPMENT DIRECTOR

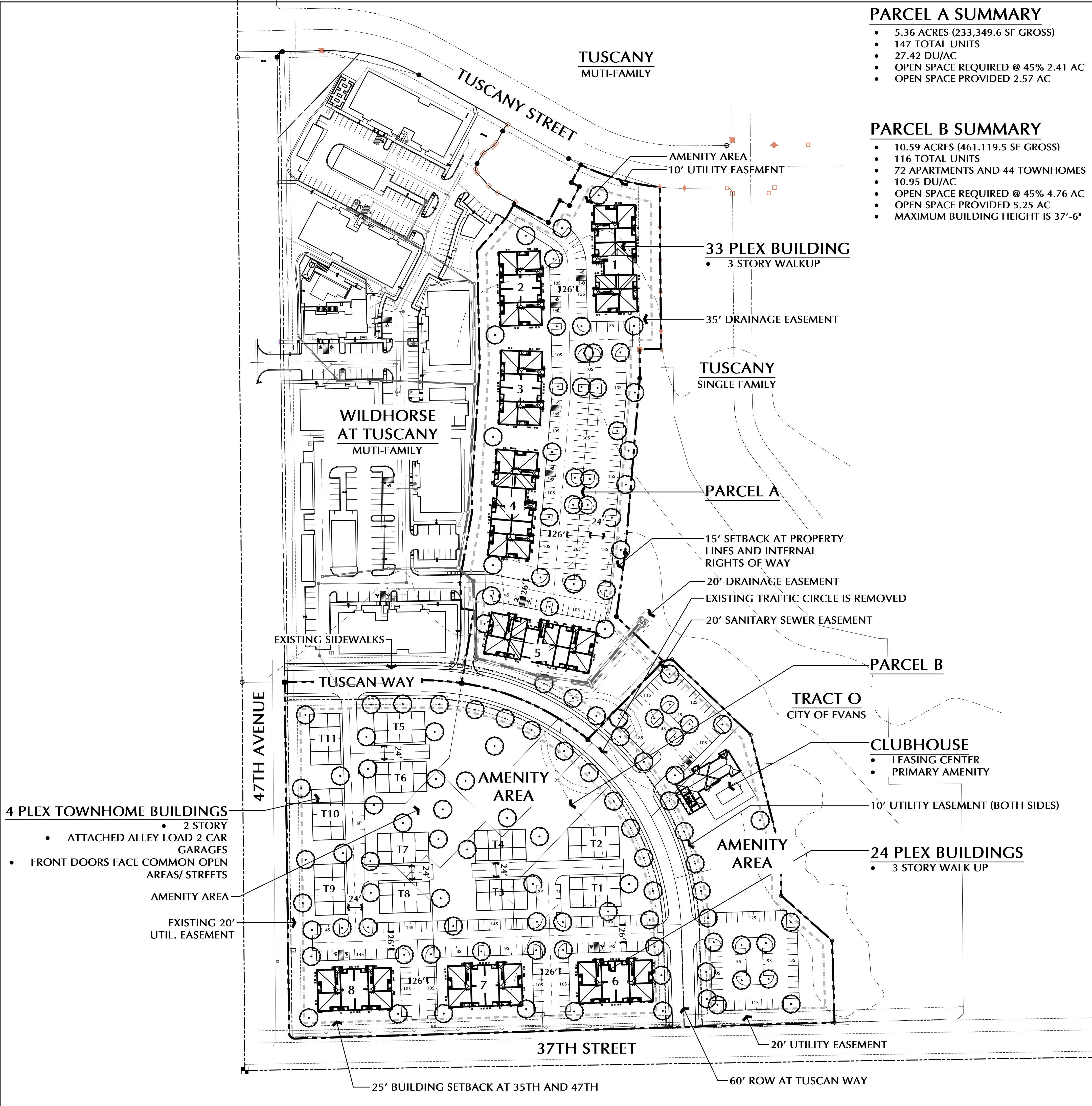
**CITY ENGINEER:**  
APPROVED BY THE CITY ENGINEER OF THE CITY OF EVANS, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.  
  
\_\_\_\_\_  
  
CITY ENGINEER

**PLANNING COMMISSION CERTIFICATE:**  
  
APPROVED BY THE CITY OF EVANS PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_.  
  
\_\_\_\_\_  
  
CHAIRMAN

**Wildhorse 2 at Tuscany**  
**Sketch Plan Submittal**  
EVANS, COLORADO

JOB NO:	51504
ACAD FILE:	51504C1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	AUGUST 25, 2021
REVISIONS	DATE
CITY COMMENTS	10/15/21
SHEET TITLE:	EXISTING FEATURES
SHEET NO:	2 OF 3





PARCEL A SUMMARY

- 5.36 ACRES (233,349.6 SF GROSS)
- 147 TOTAL UNITS
- 27.42 DU/AC
- OPEN SPACE REQUIRED @ 45% 2.41 AC
- OPEN SPACE PROVIDED 2.57 AC

PARCEL B SUMMARY

- 10.59 ACRES (461,119.5 SF GROSS)
- 116 TOTAL UNITS
- 72 APARTMENTS AND 44 TOWNHOMES
- 10.95 DU/AC
- OPEN SPACE REQUIRED @ 45% 4.76 AC
- OPEN SPACE PROVIDED 5.25 AC
- MAXIMUM BUILDING HEIGHT IS 37'-6"

CITY OF EVANS SKETCH PLAN NOTES

- i. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.
- ii. The site shall remain in compliance with the City Code at all times.
- iii. The proposed development shall comply with the Architectural Standards found in Chapter 18.08 of the Municipal Code.
- iv. The proposed development shall comply with the Off-street Parking Requirements found in Section 18.08.080 of the Municipal Code.
- v. The proposed development shall comply with the Landscaping Requirements found in Section 18.08.070 of the Municipal Code.
- vi. The proposed development shall comply with the City standards for exterior lighting found in Section 18.08.020 of the Municipal Code.
- vii. All signage for the development shall comply with the Sign Code, contained within the Municipal Code in Chapter 18.09.
- viii. Block configuration on the Sketch Plan Map does not supersede or replace, reconfigure lots or blocks to allow for proposed layout. A replat may be required for the future Site Plan. Review to reconfigure lots. The replat application may be able to be processed administratively simultaneously with the Site Plan Review application.
- ix. The developer is responsible to maintain the property from the back side of the curb into the property including landscaping, sidewalks, etc.
- x. The developer is responsible for providing water in an adequate amount and quality to serve the proposed development.
- xi. A Traffic Impact Study shall be provided with the Site Plan to evaluate Tuscan Way and the adjoining arterial roadways. Traffic calming features will be required and included in the Development Agreement.
- xii. All damaged existing surface infrastructure identified in the City Engineering Comments - Attachment 2 provided with the Staff Report shall be removed and replaced with this development.
- xiii. The developer shall contribute to the cost of under grounding electrical facilities along 47th Avenue. This cost shall be calculated by the City Engineer and included in the Development Agreement.
- xiv. The applicant shall apply for building permits with the City of Evans and is subject to review by the Evans Fire Protection District.
- xv. The plans represented on the Sketch Plan and recorded with Weld County Clerk and Recorder are the plans approved by the City of Evans. Any Substantiative changes may necessitate a different land use application process or revocation of the Sketch Plan.

REQUIRED PARKING PARCEL A

UNIT TYPE	QTY	REQ. PARKING	TOTAL
1 BDR	72	1.5	108
2 BDR	60	1.75	105
3 BDR	6	2	12
GUEST @ 1 PER 5 UNITS UP TO 100 UNITS			20
TOTAL			245

PROVIDED PARKING

STANDARD PARKING	188
HANDICAP PARKING	10
GARAGES	0
TOTAL	198

REQUIRED PARKING PARCEL B

UNIT TYPE	QTY	REQ. PARKING	TOTAL
1 BDR	36	1.5	54
2 BDR	36	1.75	63
3 BDR	44	2	88
GUEST @ 1 PER 5 UNITS UP TO 100 UNITS			20
TOTAL			225

PROVIDED PARKING

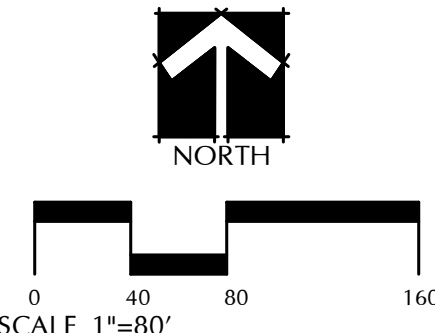
STANDARD PARKING	231
HANDICAP PARKING	6
PARALLEL PARKING	10
GARAGES	88
TOTAL	335

SITE PLAN LEGEND

- PROPERTY LINE
- UTILITY EASEMENT
- LOT LINE
- RIGHT OF WAY LINE
- SETBACK LINE
- LIMITS OF DISTURBANCE
- FLOWLINE, CURB & GUTTER
- CENTERLINE
- PROPOSED WALK
- POOL FENCE
- BUILDING ENVELOPE
- EXISTING CONTOURS
- FINISH GRADES
- STANDARD 3' X 17'/19' PARKING
- GARAGE PARKING
- TRASH AND RECYCLING
- LIGHT FIXTURE
- BIKE RACK

NEIGHBORHOOD IDENTITY FEATURES

- REQUIRED 3
- PROPOSED AMENITIES MAY INCLUDE ANY OR ALL OF THE FOLLOWING SO LONG AS THE MINIMUM IS MET, AND MEETS THE MINIMUM NEIGHBORHOOD IDENTITY FEATURE REQUIREMENTS IN SECTION 18.08.030 OF THE LAND USE CODE;
- COMMUNITY BUILDING
  - TRAIL SYSTEM
  - PICNIC/ BAR-B-QUE AREA
  - PLAYGROUND
  - DOG PARK
  - COMMUNITY GARDENS



Wildhorse 2 at Tuscany  
Sketch Plan Submittal